

SCREEN

RADIO

MUSIC

STAGE

VARIETY

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REVIVE 1918 SOLDIER SHOW

'Let CBS Spend Some Money' Sums Up Revised RCA Slant on Television

While RCA-NBC will be back on the air with television some time this month, the indications are that it won't resume the regular program schedules which it maintained for several months prior to the summer shutdown. The televising from this source will be more in the nature of experiments and the costs will be far less than the \$750,000 a year which were RCA-NBC's when the combination carried regular deluxe programs nightly.

Restraining hand imposed by the Federal Communications Commission seems to have soured RCA on making any further substantial expenditures on television programming. It would prefer to let CBS, Philco, Dumont and the others that interposed objections in Washington on the commercial issue during last spring's hearings carry this particular ball for a while. Meanwhile there are about 2,000 persons in the metropolitan area who have investments in television sets.

Among those that have announced they would have a television transmitter in operation this fall is Dumont. Latter had actually given a starting date. It was Sept. 1. So far there have been no programs from this source or any information on what progress was being made to get such transmitter or programs under way.

Marshall Field, 3d, Offers to Take Over Control of 'PM' Daily

An offer by Marshall Field, 3d, of the Chicago department store family, to take over the majority stock interest in PM, New York's new tabloid, has been made to the publication's board of directors. Field is presently one of the daily's 18 stockholders who invested an aggregate of \$1,500,000 prior to the paper's first issue.

Field's plan would be for him to put up \$300,000 additionally to pay back the original stockholders 20c on the dollar; that he form a new company to take over all PM's assets and obligations; that he provide to distribute to the old stockholders a special Class B common stock entitling them to 15% of the equity and assets in the new company; that he provide \$500,000 additionally to the capital for the new company and to buy all its voting stock at 10c a share.

The board is considering the proposition.

According to Ralph Ingersoll, PM's publisher, there isn't any particular significance attached to the offer by Field. Since the offer can't be decided by the board, and must be put up to the stockholders, a decision won't be forthcoming for 20 days as of Sept. 27, when the offer was broached, a stipulation by law.

Thrown for a Loss

Hollywood, Oct. 1. Combination of war and football has caused film studios to tighten restrictions on radio sets in offices.

It was bad enough when employees stopped work to discuss the news from the European front, but the football tidings encourage betting as well as argument. All of which retard production, say the front office biggies.

N. Y. FAIR'S SEX WINDUP ON MIDWAY

With less than a month remaining before the N. Y. World's Fair closes forever, numerous operators on the midway are splurging with nudie and sex shows. Several girl shows operate so wide open that it looks like the bars are down. Flushing Meadows currently is overflowing with various types of dancers, bumpers and 'classic' entertainers. Checkup reveals: wine-bath performers, Tibet Temple swayers, rhumba wrigglers, cellophane terpers, veil dancers, mirror-illusion strippers, undraped models, modernistic underwater swimmers, Oriental coochers, sun-garden paraders wearing a smile and G-string, besides the strictly legit fan wavers.

Present array tops the nudies which caused so much friction early last year, only this season the sex shows haven't the blatant bally of 1939 and kid patronage is banned.

'ROCHESTER' YENS TO DO BERT WILLIAMS IN PIX

San Francisco, Oct. 1. Eddie Anderson ('Rochester') is working on a deal to star in a film depicting the life of Bert Williams, the sepiu comic revealed here. Arthur Hornblow, Jr., is reportedly interested and Paramount's decision will rest on public reaction to idea, soon to be bandied about.

Doing Williams is Anderson's big ambition in life, it being one of those urges which can't be ignored or set aside. He has already collected considerable material on the great entertainer's career, tracing Williams' life back to days when he did street ballys in San Francisco.

'YIP, YIP, YAPHANK' FOR CONSCRIPTS

U. S. War Service Musical of World War I Takes Encore for American Army of 1940—To Be Routed in Draftee Camps

SAME STAGER AS THEN

'Yip, Yip, Yaphank,' the service show which was a sensational success when it opened at the Century theatre (now razed) in New York, Aug. 19, 1918, is slated to be revived and played in the draftee camps where conscriptionists are being trained. It was the revue with Irving Berlin songs, one of which, 'Oh How I Hate to Get Up in the Mornin', became famous, rhythm being that of the bugle's reveille.

Since, in reviewing 'Yaphank,' said it was one of the 'best and most novel entertainments Broadway has (Continued on page 36).

C. B. DEMILLE'S SLOT-MACHINE FILMS

Hollywood, Oct. 1. C. B. DeMille has joined the slot-machine picture-makers as associate of Neil McCarthy in Hollywood Quality Pictures which produce and distribute narrow-gauge films and manufacture own projector known as Hollywood Talkitone.

First year's output of 96 three-minute subjects will be produced by Herb Moulton, onetime Paramount short subjects production head. Also with new outfit is William Pine, production aide to DeMille at Paramount. DeMille's status as a Paramount producer is unaffected.

'There'll Always Be An England' on Wax With French Baritone Solo

Columbia Records intends cashing in on England's stand against invasion by turning out a record cut with that country's 'There'll Always Be An England,' the most popular British ditty at the moment. It's made by a band called the British Fusiliers Military Band composed of four sax, four brass, and four rhythm manned by American players.

Vocal is handled by Emile Renan, a French baritone.

Richard Lockridges In the Middle Of Unique Harris-Owen Davis Feud

Formal—Wear Shoes

Des Moines, Oct. 1. For the opening of the 10th season of the WHO Iowa Barn Dance Frolic at the Shrine auditorium Oct. 5, formal invitations stated: "Informal except shoes are required."

HELEN MORGAN NOT PAID OFF BY K. K. K.

Add to the list of 'showmen' who don't pay off: the Ku Klux Klan.

It's a new switch for this choice society to book talent for shows and then leave 'em holding the bag, but it's also making sure to include headlines. Helen Morgan gets the distinction of being the first topflight victim, although she had no idea of the KKK sponsorship of a Richmond, Va., one-nighter last Thursday (26) until after she had arrived in the town.

In fact, Miss Morgan didn't even work the show, held at the Mosque theatre there at \$1.10 top. Booked by the William Morris office, she was warned by the latter that her \$450 one-night salary had not been posted three days in advance, as per contract. First on Tuesday and then on Wednesday (25), Dick Henry of the Morris office in N. Y. phoned Richmond, with an A. S. Cole, who has headquarters at the Murphy hotel there, stalling the check. Henry tried to stop Miss Morgan after the (Continued on page 63)

MAX HART, ONCE NO. 1 AGENT, BROKE AND ILL

Max Hart, once one of the top agents in New York, is in the French hospital seriously ill. Yesterday (Tuesday) he underwent the first of a two-stage operation.

Hart has suffered two severe heart attacks in recent years, but this latest complication is not cardiac.

A reputed millionaire at one time, Hart lost a fortune in counsel fees and costs when he sued Keith-Albee years ago for monopolistic practices and lost. Action was a result of that outfit disenfranchising him as a Keith agent. At that time Hart controlled virtually all the topflight comedy acts in vaudeville.

A few years ago Hart sponsored a benefit for himself in a Broadway legit house.

Circumstances as unusual as any in show biz are holding up Broadway production of a dramatization of 'The Norths Meet Murder,' mystery novel written by Richard Lockridge, drama critic of the N. Y. Sun, and his wife, Frances. Unique feud has developed between producer William Harris, Jr., who owns the option on the play, and Owen Davis, who did the dramatization.

Davis maintains that he erred in the way he dramatized the book. He wants to do it over. Harris asserts that the dramatization titled 'Mr. and Mrs. North' is exactly the way he wants it and won't allow Davis to touch it. Davis declares that if Harris goes ahead with the production, he'll put every possible obstacle in his path and will bring down the wrath of the Dramatists' Guild upon the producer's head to make it virtually impossible for him to obtain any scripts in the future.

Harris maintains he'll do the play and keeps sending Davis \$100 a month, which is the fee he is required to pay to hold the option. Writer refuses to cash the checks, sending them back to Harris, who promptly mails them right to the dramatist again.

Lockridges wrote 'Norths' with light comedy overtones, similar in manner to the 'Thin Man' series. Davis, in doing the play, thought it (Continued on page 61)

B'way Legit Shows' Big Advance Sales Keynote Biz Upbeat

Blessed by theatre-going weather through September, Broadway continues to point to a big-money season. There have been but few new entrants so far, but attendance for most attractions is unusually strong, with holdover favorites getting a big slice of patronage. Money is becoming easier, as proven by patrons seeking lower floor tickets even for the higher scaled shows. Leading agencies have sold more tickets during the season's starting month just past than any time in a decade. Brokers say they can sell two or three times (Continued on page 61)

Kidnap Hero's Stage Act

San Francisco, Oct. 1. Cecil Wetsel, lumberjack who captured Wilhelm Muhlenbroich, kidnapper of Marc de Tristan, began week's personal appearance at the Paramount, Los Angeles, Saturday (28). Hero was signed on behalf of Fanchon & Marco by Hal Neidus, manager of the Orpheum, F. & M. house here.

Future stage plans for Wetsel will depend on the Los Angeles engagement.

Showdown This Week on Big-Name Cuffo Appearances for Politics

Question of 'benefit' appearances by actors at political rallies, raised some weeks ago by members of the Associated Actors and Artists of America executive committee, will probably be brought to a showdown this week by the committee and the Theatre Authority. Two incidents during the last week brought the issue into the open.

One was the appearance of Katharine Hepburn last Friday night with a group of writers in a forum program with Mrs. Roosevelt, over NBC blue (WJZ), for the re-election of President Roosevelt. The other was a letter sent to actors last Friday (27) by Eddie Dowling, as chairman of the stage and screen division of the Democratic national committee. Missive asked for financial contributions and for the recipients to pledge his appearance 'where personal service may be rendered, insofar as my schedule will permit.'

It is considered unlikely that Miss Hepburn will be penalized for her unauthorized appearance on the Democratic radio program, as the American Federation of Radio Artists has never passed any formal benefit rule such as those in force for Equity, Screen Actors Guild, American Guild of Musical Artists and American Guild of Variety Artists members. However, it is expected (Continued on page 36)

Cohan Too Busy for Show; Mrs. Hitchcock Planes Into N.Y.; Others on Wing

First comes the World Series. Next there's football. And then come the holidays.

'So I guess I won't be doing any show until about the first of the year,' summed up George M. Cohan Thursday when he ambled down the gangplank of the Mercury. He'd been in San Francisco attending the big ASCAP festa.

On the same trip came Walter Brennan on route to Philadelphia for the eastern preem of 'The Westerner,' in which he is the nasty Judge Roy Bean. He personated at (Continued on page 36)

Mickey Rooney's Sock \$45,000 on N.Y. Personal

Only a Metro studio order not to do more than five shows a day stopped Mickey Rooney from breaking the house record at the Loew's State N. Y., this week ending tonight (Wed.). As it is the gross will be around \$45,000, and possibly more, which is phenomenal considering that the present record, \$31,300, was set by Eddie Cantor on a holiday week (July 4, '39) doing six shows most every day. Rooney will do a record biz for any non-holiday week in the history of the house.

Rooney has been playing five shows daily, except last Saturday (28), when the house did six by special permission. There's been no salary set yet for Rooney for the Broadway date, the studio figuring on computing this on the basis of the final gross. It will be at least \$7,500.

If not at the wicket, Rooney has definitely set a record in backstage-door attendance. Since his very first show at the house, squads of police have been necessary to keep order among the hordes of autograph seekers who have been trying to mob Rooney every time he enters or exits. His backstage play eclipses that given Mae West or Judy Garland when these femmes played the spot. Rooney has been deluged with offers of further stage playing time, but he has fixed 'em all. He flies back to the Coast tomorrow morning (Thursday).

Dilly Hits Blue Note

Los Angeles, Oct. 1. Eddie Cherkose, songwriter, filed a \$25,000 damage suit against Fawcett Publications, charging theft of his 'Silly Dilly' song idea.

Use of the idea in a contest sponsored by Gingers Rogers deprived him of potential sales, Cherkose claims.

'SCREWBALL' SUIT

P.A.'s \$37,000 Suit Over 'Screwballs of America' Gadget

Application to dismiss a suit by Noel Meadows, Broadway press agent and idea promoter, against the Roletan Mfg. Corp., in the N. Y. supreme court, revealed the action Monday (30). Suit seeks damages of \$37,000, and claims plagiarism and conspiracy to defraud.

Plaintiff asserts he conceived the idea of 'Screwballs of America' in January, 1939, and closed a deal with the defendant to distribute buttons bearing that insignia for which he was to be paid 10% of the gross.

It is claimed that 3,000,000 buttons at 4c each were sold, making a commission to the plaintiff of \$12,000. The other \$25,000 he seeks for alleged conspiracy to defraud him of his \$12,000. The answer consists of a general denial of all charges.

SZED GETS TIBBETT ROLES AT MET OPERA

Speculation as to the casting of the Met's revival of Verdi's 'Un Ballo in Maschera' has the following cast tentatively set for opening night, Dec. 2. Riccardo will be sung either by Jussi Bjorling or Giovanni Martinelli; Renato, by Alexander Szed, Norwegian baritone, who sails Oct. 23 to join the Met. Szed, who was born in 1906, has appeared in every opera house of note in the world, and will take over all Lawrence Tibbett's roles until the American baritone regains his health.

Amella will be sung by Elisabeth Reiberg, Tom by Leon Rothier, who appeared in the last revival in 1913 under Toscanini, Oscar by Jean Dickenson, Sam by Norman Cordon, and Ulrica by Suzanne Sten, if she is engaged, or Bruna Castagna.

Prof. Sinclair Lewis

Sinclair Lewis has joined the faculty of the University of Wisconsin as a teacher of creative writing, with the rank of professor.

Lewis, who won the Nobel prize in literature in 1930, has been an actor and a lecturer, but this is his first job in teaching.

Ex-Actor Minneapolis, Oct. 1.

Stopping over here en route to St. Cloud, Minn., to visit his brother, Sinclair Lewis told reporters he's all through with acting because 'it's too hard a job and takes too much of his time.'

He appeared on tour in his own play, 'Angels in 11,' and also has appeared with various straw hat theatre groups.

Tell Me Pretty Maiden' Suit Vs. Shuberts, Billy Rose, Jack Kirkland

An action to settle once and forever the rights to the yesteryear musical comedy, 'Floradora,' was filed Friday (27) in N. Y. federal court by the original owners of the copyright, Francis, Day & Hunter Ltd., of London, against virtually everyone who has been using any portions of the musical since 1927. Defendants in the action, some of whom claim rights to it, are Select Theatres Corp. (Shuberts), April Productions, Inc. (also Shuberts), Billy Rose, Billy Rose's Diamond Horseshoe, Inc., and Jack Kirkland.

Prior to Dec. 15, 1939, E. Boyd Jones, Paul Rubens and Leslie Stuart, all British subjects, wrote the original lyrics and music to 'Floradora.' The copyright rights were then assigned to the plaintiff, an English music publishing house. Since 1939 the laws of copyright in the U.S. and England have been identical with a reciprocal agreement in effect on all copyrighted material. On Aug. 2, 1927, within a year of the expiration date of the copyright, Leslie Stuart applied for a renewal, and after receiving it, (Continued on page 42)

'Heights' for Bette Davis

Hollywood, Oct. 1. First picture for Bette Davis when she returns from her eastern vacation is 'January Heights,' which rolls Oct. 21 at Warners with Edmund Goulding directing. George Brent is co-starred.

Following 'Heights,' Miss Davis plays 'The Little Foxes' for Samuel Goldwyn.

WALT DISNEY'S SELF-TRAILER, 'DRAGON'

Unprecedented in the feature field on several scores will be Walt Disney's 'The Reluctant Dragon,' set to be released around Jan. 1. Most unusual is the fact that it will be sold on regular terms for feature exhibition, although it is an out-and-out plug for the Disney studios, albeit its humorous handling.

Second unusual aspect of 'Dragon' is that it will include both live and cartoon action in a Disney film for the first time. Robert Benchley will provide the human side. Whole thing will run 70 minutes.

Story starts with Benchley reading the book called 'The Reluctant Dragon,' by Kenneth Grahame, and remarking to his wife that it would be a natural for a Disney short. Against his wishes, his wife prevails on him to take it to Disney. He inwardly hopes that Disney won't see him, but his path at the pen-and-ink office is made all too easy and in an endeavor to keep from running into the cartoon producer, he stumbles all through the plant.

As Benchley gets himself into trouble in one department after another, he learns something about each. Finally, Disney catches up with him, gives him a big greeting and tells him he wants to show him a short he just made. Short, of course, is 'The Reluctant Dragon.' Thus the whole 'Dragon' cartoon is incidentally shown as part of the feature.

Production on the live portions begins next Monday (7) and is expected to take about a month. Cartoon portions are all completed.

Eddy, MacDonald Will Avoid Each Other on Tour

Hollywood, Oct. 1.

Nelson Eddy and Jeanette MacDonald, sweethearts on the screen, are going far apart in their separate concert tours, beginning in January.

Each will sing in 30 cities where the other won't. Separation follows their Metro co-starrer, 'I Married an Angel.' Their vocal tours are planned for three months.

Judy's \$2,000 Wk. Starter On New 7-Year M-G Deal

Hollywood, Oct. 1.

Judy Garland drew a new Metro contract calling for weekly wages of \$2,000 for the first three years, \$2,500 for the second three years and \$3,000 for the seventh year.

Pact required the approval of superior court because she is under 18.

Arnaz's B'way Time-Out

Hollywood, Oct. 1. RKO's option lift on the services of Desi Arnaz permits the Cuban caballero to do one Broadway show before reporting for another film assignment.

Stage play is 'Yours For a Year,' to be produced by George Marion, Jr. Marion did the book for 'Too Many Girls,' musical in which Arnaz was featured last year on Broadway.

THE BERLE-ING POINT

By Milton Berle

This week my column is syndicated. New subscribers include Ziff's, New York Clipper, Conkey's One-to-Fill, Dramatic Mirror—and an aunt on my mother's side in Splitweek, Arizona. Sherman Billingsley asked Ed Sullivan if he read my column. Sullivan said, 'Yeh—miss it if you can!'—I wonder what he means? (Jealous fellow actor, no doubt.)

Lotsa celebrities in town—Loretta Young, Spencer Tracy, Charles Boyer, Mickey Rooney, Charles Laughton, Sonja Henie, etc. Finally found out what a celebrity is—it's anybody who works. My brother is a celebrity two days a week.

Army enlistment tent at Broadway and 47th street has a sign, 'The Army Builds Men.' Broadway Rose stepped over to the recruiting sergeant and said, 'If dat's true, build me a big one—willya, bud?'

Mother and I opened a joint bank account this week. I put in and she takes out.

Broadway Dept.

At El Morocco, Charles Boyer and Spencer Tracy congratulate me on my new nose. After seeing my show at Loew's State, they congratulate each other.

Tiny night clubs are the vogue this season. There's the Brown Derby, Torch, Spivy's, Swing, Coq Rouge—to name but a few. One spot is so small that you breathe by appointment only.

Teddy Powell's Famous Door finally opened last week and Powell's baton, Sid Tomack (with adjustable mustache) and the Reis Brothers, Al Siegal and his new protegee, Connie Russell, are included in the entertainment. New policy: An Al Siegal arrangement with every \$20 check had 18 people in my party for the opening. Mother came home with enough arrangements to audition for the Shuberts.

Hollywoodiana

Next year they're starting a new conception—to get people to see my first picture.

George Raft signed for five gangster pictures. Instead of getting his signature on a contract, Warner Bros. is just taking his fingerprints.

Out in Hollywood, I lived next door to Hedy Lamarr. Never saw her, though—always missed her by a shade.

Movie stars are making persons in the east. M-G-M booked Leo the Lion for three appearances at the Bronx Zoo. They're building a picture theatre in Chicago so big that instead of a manager, they'll elect a mayor every four years.

Radio Dept.

A summer radio show just went off the air owing Crossley two points. One of Vincent Lopez's radio musicians got married recently—and spent his two-week honeymoon in Roseland. Radio riddle: When are Pic and Pat not Pic and Pat? When they're Molasses 'n' January.

Observation Dept.

Saw the Baer-Comiskey 'battle.' Turned around to wave to Joe Schenck—and missed the whole fight.

Speaking of a certain comic who is only as good as his material, Goodman Ace said, 'He couldn't ad-lib a burp after a heavy dinner.'

Bumped into Lenny Kent, who was on his way to the Theatrical Pharmacy for some new razor blades and old blackouts.

Sidewalk agent talking to client in front of Strand building: 'This team I got is better than Van and Schenck, sicker than Cross and Dunn and murders the people bigger than Cantor and Jessel. No—I'm sorry—you can't buy them for less than \$10.'

Eavesdropped at the Stork Club: 'Who—her? She's been on the legit—' 'Eavesdropped at 10 years—and never fell off the runway.'

Joyce Mathews, the de-lovely de-lovely in de Joisson show (honest, it's strictly platonic) wouldn't go to Leon and Eddie's with me—she didn't want to see two night clubs in one evening.

Whatever Became of —???

Frank & Teddy Sabini. Billy 'Swede' Hall. McGrath and Deeds. Guppy and Fogg. The Golden Bird. Hawthorne and Cook.

Afterpieces

Got to pay dues this week to Friars' Club, AGVA, AFRA, Screen Actors' Guild, Song Writers' Protective Association and the Musicians' Union. Has anybody got a club date? I don't want to break an annuity.

Frances Langford, Hall To P.A. at N.Y. Par

Hollywood, Oct. 1.

Frances Langford and Jon Hall (Mr. and Mrs.) have been booked for postcards at the New York Paramount beginning Oct. 16. Hall goes in via special permission of Sam Goldwyn, to whom he's contracted.

Pair will be accompanied by comedian Romo Vincent and Tommy Reynold's orch. It's latter's first shot at Broadway, while Vincent will double from the Hurricane nitty for what will be his first theatre date in the east.

L.A. to N.Y.

Don Ameche. George Anthiel. David Bacon. Russell Birdwell. Walter Brennan. Judy Canova. Bobby Connolly. Norman Corwin. Lester Cowan. George Frank. William Frawley. Gladys George. Mrs. Howard J. Green. Charles A. Greene. Mitchell J. Hamillburg. Grace Hayes. Peter Lind Hayes. Mrs. George Jessel. Mrs. Louis R. Lipstone. Dee Lovrance. Merry Macs. Bill Murray. Erich F. Palmer. George Raft. Hal Roach. Hal Roach, Jr. Arthur Shields. Louis Shurr. Kay Van Riper. Jack Runyon. Benay Venuta. Al Wilson.

REP. RETAGS BURNETTE AND LOSES JUNE STOREY

Hollywood, Oct. 1.

Republic renewed Smiley Burnette's contract for another year, assuring the cowboy comic's continued appearance with Gene Autry in western musicals.

Meanwhile, June Storey, aiming to get away from sagebrush pictures, terminated her Republic pact by mutual agreement.

Refugee Alf Gruenwald, Librettist, Arrives in N.Y.

Alfred Gruenwald, Viennese playwright and drama critic, who authored most of the books and lyrics of the operettas by Oscar Straus, Leo Fall, Paul Abraham, Franz Lehár, Emmerich Kalman and Robert Stolz, among more than 50 musical plays and comedies, has arrived in New York via Paris. He's a refugee.

Gruenwald wrote the books for such musicals as 'Countess Mariza,' 'Rose of Stamboul,' 'Last Waltz' (Shuberts) and also the comedy 'Dancing Partner,' produced on Broadway by David Belasco.

N.Y. to L.A.

Francis A. Bateman. Carroll Carroll. Pat di Cicco. Leonard L. Levinson. Louis B. Mayer. Peter Mayer. Joseph M. Schenck. St. Seidler. Jack Skirball. James Stewart. Howard Strickling.

FILM BIZ ON SHORTWAVE

More Vague Nazi 'News'

Attentive American listeners to war news broadcasts from Europe have noted audible signs that reflect the growing irritation of American network officials with the Germans. The possibility of Yankee radio reporters being withdrawn altogether from Berlin was reported in last week's *Variety*.

NBC is now emphasizing on its transatlantics that its regular listeners are 'Americans'. Men in Berlin, Rome, etc., are identified by name, with added identification 'an American reporter for NBC'. This is done when announcers handle switches from New York.

On several occasions, German announcers (not Americans) have over open-circuit stated NBC's reporter 'will be here in a few seconds', when one (in perfect English) tabbed William C. Kerker as due to arrive soon the standby miker in New York studios informed audience that Kerker probably was coming from censor's office. This was perhaps first time close checking by German blue-pencillers had been revealed to the public on such a broadcast. When Kerker did go on, he was noticeably out of breath. During entire five minutes, Kerker was wind short and twice fubbed. At conclusion of commentary, New York announcer again remarked: 'You probably noticed Mr. Kerker's hurried breathing. He was coming from censor's office and had to rush up four flights.'

Like virtually all American broadcasts from Nazi capital, this one had little news value. Usual quotations from German state-controlled papers and a vague report of British bombing on Berlin.

Farmer Paul Whiteman at the Fair

A New Slant on the King of Jazz as He Goes Rural, But Big

By GEORGE ROSEN

Trenton, Oct. 1.

Paul Whiteman, who has spent a lifetime behind a fiddle, braved a heavy downpour to visit the New Jersey State Fair. And to see what? The actors, musicians? Not so you could notice it. Mr. Whiteman came out to see the cattle show and to complain because George A. Hamid, director of the exposition, did not include the Angus breed of stock in the entries.

'Why don't you put the Angus breed in here?' he asked Hamid. 'Your show won't be complete until you do so.'

'For why?' asked Hamid. 'For because I raise 'em, replied Whiteman, who could not remain bitter more than five seconds.

And true enough, the fiddling maestro was revealed to have a stock farm at Rosemont, near Stockton, where he raises cattle, horses and a choice variety of flowers and alfalfa. 'I've got a nice place up there,' he told Hamid. 'I'm right in the middle of the artist country but, fortunately, I don't hear any music.' He beamed reflectively. 'You know, that's why I bought that place. Music was driving me crazy. I felt that if I didn't get away from concert work for a

(Continued on page 50)

Agent's 92G Commish Suit Vs. Sonja Henie Comes to Trial Oct. 23

Suit of Dennis R. Scanlan, agent, against Sonja Henie for \$92,000 has been set for trial Oct. 23 in N. Y. supreme court. Action seeks damages for alleged unpaid commissions and has been pending for four years. Scanlan claims he met the actress in London in 1935 and made a deal with her in Paris whereby he was to receive 20% of her earnings. He claims he set Miss Henie at 20th-Fox and that up to 1938 she earned \$300,000. The actress has entered a general denial, alleging no written contract. It is also claimed that under the laws of France, where the deal was supposedly set, any amount involving more than 500 francs must be in writing.

Jackie Coogan Joins Canadian Air Force

Hollywood, Oct. 1. Jackie Coogan leaves over the weekend to join the Royal Canadian Air Force. He revealed his plans at a nitery, and said he 'hoped Hollywood wouldn't forget him' if and when he returned.

HOLLYWOOD TO UNITE OVER NBC

Ballyhoo for American Motion Pictures by Long Distance Radio Begins in Few Weeks — Latins Fond of Hollywood Gossip

SIX NOW SET

Short-wave radio programs, sponsored by major film companies, scheduled to start broadcasting to the Latin-American countries over NBC late this month, according to L. P. Vandell, executive in charge of NBC's short-wave sales. Paramount, Metro, Columbia, Universal, Warner Bros. and RKO already have agreed to participation, with 20-Fox and possibly United Artists likely to be in on the industry short-wave institutional publicity lineup before it starts this month. The latter was expected to agree to participation some time this week.

South Americans are very interested in Hollywood gossip of all kinds.

Setup calls for at least two 30-minute programs weekly in Spanish (Continued on page 22)

Still Trying to Line Up B.R. for Pix Version Of 'The American Way'

Number of subscribers have been lined up to make 'The American Way' closer to filmization than at any time in the past, Harry Goetz, who, with Max Gordon, owns the screen rights, declared Friday (27). Work on the picture, which is slated for RKO release if and when made, may start in mid-November, said Goetz, who refuses to be over-optimistic.

Gordon and Goetz have had drawn up a small pamphlet outlining the story of 'The American Way' in their efforts to find persons who would be willing to participate in the financing on a patriotic basis should it not prove a profitable investment. Legit version of the story was produced in the same manner, the investors ending up about even.

FLA. EXPECTS RECORD BOOM THIS WINTER

Miami Beach is already anticipating a record winter season. Last year Floridian and Havana resorts were natural for cold weather vacationists because of the war, but the coming season will measure up to even greater degree. That is indicated now because of the number of advance hotel bookings and inquiries for apartments available for rental.

In addition to the growing number of winter sun lovers, Florida will also probably be chosen by a flock of socialite repatriates who will favor Palm Beach. Nearly all Americans who lived abroad were forced to return when the Nazi invasion started. Most of them are residing on Long Island now.

Berle Yens to Produce 'Barnum' Play on B'way

Milton Berle, comic, mugg columnist and 'film player, may turn legit producer of a comedy titled 'Bigger Than Barnum,' by Lee Sands and F. W. Rath. It's a takeoff on the amusement area of the N. Y. World's Fair.

Berle figures on doing the production, if possible prior to going to the Coast for a 20th-Fox chore. He may also collaborate in the direction.

United States Film Firms' Problem, Placement of Blitzed Foreign Mgrs.

Thar She Goes

Hollywood, Oct. 1.

They don't turn the picture toward the wall in Hollywood. They toss it out of the studio commissary when the star has ceased to shine.

Portrait of a dimmed luminary was removed from a major luncheon under the pretext of general housecleaning. Two years ago the star's dressing-room-bungalow was tossed over the studio fence.

Aside from realigning their foreign distrib setups to meet the present European emergency, the gravest problem presently confronting the American picture foreign departments is spotting of former European managers, who formerly headquartered in Paris. Many of the major company managing directors for Europe now are in New York awaiting further orders.

Plans of Paramount and Metro to send back their European chiefs, Fred Lange and Ludwig 'Laudy' Lawrence, apparently have bogged down completely because neither Spain nor Portugal will issue visas permitting them entry. Originally it had been planned to direct the liquidation and realignment of staffs in Europe from either Lisbon or Barcelona.

Prospect of shakeups in several foreign departments loomed this week. Robert Schless, Warners' European managing director, now in N.Y., may be assigned a post in the home office, but is still sticking with the foreign division. Ben Higgins, 20th-Fox managing director in Europe, remains in New York awaiting further orders. Both Reginald Armour, RKO (Continued on page 42)

M-G Denies Nazi Bid to Return To Czech Market

An offer has been made to Metro by the German government whereby they might be able to distribute part of their product in Czechoslovakia, now Nazi-controlled, according to reports persisting in New York this week. Metro denies this and doubts seriously if any such plan would be acceptable if offered.

Proposal to M-G-M was to permit their pictures into Czech territory if the Metro trademark were removed. Under the reported German proposal, films would be released in Czechoslovakia simply under the original (Continued on page 42)

GEORGIE HALE PLANS STAGE CANTOR MUSICAL

George Hale, who promoted the Al Jolson stage musical, 'Hold On to Your Hats,' and is co-producer and owner of 20% thereof, is now setting a deal to put on an Eddie Cantor stage musical, 'Eddie Davis will do the book, possibly with an assist from Guy Bolton, and Vincent Youmans is being sought for the musical score. If not, Burton Lane and E. Y. Harburg, who tunesmithed the Jolson show, will supply the tunes. David did the Jolson book.

Cantor's Lee Shubert musical production talk has fallen through, but the Hale-Cantor hookup looks likely to go through. Zasu Pitts may be in it also, book being a topical theme on the draft. Al Lewis will be associated with Hale.

It is understood that Max Gordon also has star's ear for a musical show, which would be Gordon's first show this season. Manager has been under medical observation, but is reported okay. Show is 'Glamour Boy,' by Russell Crouse, Eddie Hope, Arthur Schwartz and Vip Harburg.

KATE SMITH'S LINE-UP

Ameche, Grable, Maybe Carmen Miranda—Conrad Veidt, Others

Next week's (11) Kate Smith program will include excerpts from the 20th-Fox picture, 'Down Argentine Way,' with Don Ameche, Betty Grable and, if she returns from South America in time, Carmen Miranda, all from the original cast.

Following week (18) will include bits from 'Thief of Bagdad,' with Conrad Veidt, Sabu, Rex Ingram and June Dupree. Week after that (25) will bring 'Long Voyage Home,' with Thomas Mitchell and Ian Hunter. This Friday's (4) show, with excerpts from Warner's 'Knute Rockne—All American,' will originate in South Bend, on the eve of the opening game of the Notre Dame football season. Pat O'Brien, Donald Crisp and others of the film cast will participate.

Hanbury, RKO's British Chief, Dies in Nazi Raid; Pallos' Home Is Bombed

Ralph Hanbury, managing director in Great Britain for RKO, was killed some time during a night bombing raid over England, Sept. 26, according to word received in New York. It's the first known fatality of the war to American picture company executives in Great Britain. Also killed in the raid were:

The same bomb which took Hanbury's life also killed his son, Ralph, Jr., his eldest daughter and baby granddaughter, and seriously injured his wife and son-in-law. It was a (Continued on page 15)

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Rubin of Metro, Who Led Film Coin Walkout, Being Won Back by Legit

The revised terms concerning picture-backed shows is swiftly approaching agreement on all questioned points and Hollywood coin may soon prove a boom to Broadway after a four-year lapse. An explanatory meeting of filmlets who specialize in securing scenario material for the Coast was held with Metro's J. Robert Rubin in attendance last week (26), that being the second step towards healing the breach.

Rubin had been most adamant of all film executives who opposed the Dramatists Guild's conditions and led the move whereby a gentlemen's pact among the leading picture producers walked out on the legit field. Understood that his attitude changed after Edward Childs Carpenter assured him that the authors had changed their stance and would change the terms in conformity with the Coast ideas.

Last season the deal among the film people to stay off of Broadway was declared ended, but comparatively little Hollywood coin was in evidence because most of the six companies were still dissatisfied when the authors rewrote certain provisions without assent of the film end. An exception was Warners, which backed six or seven productions.

Seven companies were represented at the session in Metro's office, those acting for them being John Hyman, Paramount; Govee Witting, Warner; Sidney Phillips, Metro; Franklin Underwood, 20th-Fox; Leda Bauer, RKO; Eve Ettinger, Columbia; and Larry Goodnick, Universal.

Important point in the new agreement will be a ceiling on what is paid for a long-running show and on the release date of the film made from it. Under former Dramatists Guild stipulations, screen rights were on a percentage of the show's run. In other words, on a show like "Tobacco Road," running seven years, studio paying an installment each week could conceivably be socked \$1,000,000 or more for screen rights, possibly in excess of what the picture could gross. Furthermore, the studio, which had bought the rights at the beginning of the run, would have to wait until the author gave the go-ahead signal to release its picture.

Under the new plan, at the end of 21 months the picture company may notify the author of a release date at any time three or more months ahead. If the author doesn't agree to let the pic be issued at that time, film outfit can get back the \$15,000 cash which it must pay him during the first three weeks of the run, plus the percentage stipulations it has been paying throughout the run. Play then goes on the open market. Twenty-four months is also maximum period during which percentage must be paid, after that time studio and author being permitted to make lump-sum arrangement.

IVENS MAY DO PIC ON SOUTH AMERICA

Joris Ivens, documentary producer and director, who has just completed "Power and the Land" for the Rural Electrification Administration, may do as his next a feature-length film on South America to promote good neighborliness and hemispheric solidarity. Large industrial firm, with interests in the southern continent, has approached him with the idea and is willing to partially finance it if further funds can be obtained from one of the major educational foundations, such as the Rockefeller's.

U. S. government would play no part in making the film nor in the actual making of it, but the State Department, of course, would be consulted on each step of the way. Ivens has worked out three possible scripts. His plan is to do them in the usual documentary pattern, but to weave in some minor plot to promote interest. Pare Lorentz's films and others of this nature have virtually no story.

Decision on the plan is expected within the next week, as Ivens would have to head south at once to take advantage of the spring weather, which is just starting in the southern hemisphere. Producer expects to take a crew of five and two American actors for certain parts he has in mind.

Tuttle's Own Prod. Co.

Hollywood, Oct. 1. Frank Tuttle Productions has been organized, with three pictures as a starter.

Director is negotiating for distribution right now.

Zukor Claims His New City, N. Y., Estate Is Over-Assessed

Nyack, N. Y., Oct. 1. After Adolph Zukor had protested that the valuation on his Mountain View Golf Club in New City was still \$159,000 too high, despite a recent slash by the board of assessors, supreme court justice Mortimer B. Patterson issued an order requiring the assessors to explain how they arrived at their figure. Matter is to be heard at a special term of supreme court in Nyack Oct. 18 when the three assessors and town clerk Kate Buchenau will be defendants.

In a voluminous petition filed for Zukor it is asserted that on "grievance day," Aug. 13, the producer protested that the assessments were too high and at a "higher proportionate value than other real estate on the town's assessment roll."

At the time he appeared before the board, the petition states, Zukor claimed that in order to equalize his assessments with others in the township, he should get a cut to \$178,500 from the original assessment of \$278,500.

In support of his claim, and at the suggestion of the assessors, Zukor submitted proof of how much acreage he owned, an affidavit by Harvey Polhemus, Nyack civil engineer, showing a total of 741.2 acres rather than 825½ calculated by the assessors in addition to a piece marked "plot." Board issued tax roll on Aug. 30 with Zukor's property valuation sliced to \$270,100, net shrinkage of \$8,400. Zukor's petition claims cut isn't enough.

Also claims that while various parcels on the Zukor estate are assessed at 87% of their true market value, the property of others on the same roll is not assessed at "so high a percentage." Average assessment rate, petition states, is 40% of full market value.

Golf course itself has had a good summer. Considerable promotion in New York City inspired healthy weekend crowds at small hotel run at club. Public course added public swimming pool, heretofore private, and, although weather wasn't perfect, seems to have paid off in crowds.

Draftees in the Hills, A Prod. Problem for Par

Hollywood, Oct. 1. Paramount and Henry Hathaway directing "Shepherd of the Hills," are mulling a proposition to have their young actors register for the draft ahead of time, to prevent delays in the filming of the picture.

Idea is to have eligible members of the troupe registered before Oct. 16, if possible, or to pay the expense of a draft official to visit the company on location. Of the 200 members of the cast and crew, 25 are within the age limit. One of them is John Wayne, who shares top roles with Betty Field. Regular registration of the troupe, on location in the San Bernardino Mountains, would mean a two-day delay.

Loach Headquartering On Coast With Mono

T. P. Loach, general manager and treasurer of Monogram Pictures, goes to the Coast to make his permanent headquarters about Oct. 10, following the bulk of the old staff which already has transferred to Hollywood. Only the foreign department remains east for the time being.

Although the general offices and ad-publicity department are being located in Hollywood in the International Studios, it was indicated this week that an eastern publicity-advertising setup probably would be developed somewhat similarly to Universal's. This would leave Louis Liftan, ad-pub-chief on the Coast, with an eastern operating head in N. Y., with possibly one assistant.

Eddie Golden, general sales manager, will divide his time between here and the Coast, spending most of his time on the road.

GOLDWYN STILL PRESSING HIS UA SUIT

Samuel Goldwyn, Inc., and Samuel Goldwyn, through George Z. Medalie, his new attorney replacing the deceased Max D. Steuer, filed an amended complaint against United Artists Corp. in the N. Y. federal court Monday (30). Action is almost completely identical with its predecessor, with minor deviations in the relief sought.

The old suit had asked that the court grant Goldwyn an injunction to prevent UA from interfering with the producer in his attempt to secure other distribution, and asked the court to set damages for the alleged wrongful interference with distribution of "The Westerner." New action seeks the same relief on the first cause, but asks \$215,000 damages on the second, claiming that amount has already been suffered as a result of the alleged interference.

New suit differs from the one handed by Steuer in that, in some instances, it becomes more specific in its charges. For example, it is pointed out that London Film Productions and Alexander Korda are both interested in Harefield Productions, Ltd., of London, which, since August, 1938, has produced "The Spy in Black" and (Continued on page 22)

KYSER AND BUTLER PLAN THIRD FOR RKO

Hollywood, Oct. 1. Kay Kyser and David Butler are mulling a third picture to be produced next spring for RKO under the same auspices as their previous two, with Kyser as star and Butler as producer-director.

They made "That's Right, You're Wrong" and are currently producing "You'll Find Out." Negotiations, still in the conversational stage, depend on the suitability of the story.

Lou Brock's Argentine Import, Alberto Vila

Alberto Vila, Argentine film star, "discovered" by Lou Brock, presently is on his way from Buenos Aires to appear in his first picture for RKO. He left there Sept. 28.

Brock will use him in his forthcoming musical production, which Rodgers and Hart are tunesmithing.

Other News Pertaining to Pictures

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John Royal's new status.....	Page 29
Radio reviews: Bob Hope, Canadian Red Cross, Sherlock Holmes, Helen Hayes, "Design for Happiness," Screen Actors Guild.....	Page 30
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5 UA Producers Share In \$250,000 Melon; How 'Silverstone Plan' Works

Topper' Waits On Young

Hollywood, Oct. 1. "Topper Returns" is delaying production on the Hal Roach lot until Oct. 20 to await the arrival of Roland Young, who plays the title role. Currently Young is working in "No, No, Nanette" at RKO and takes a vacation before returning to "Topper."

Marguerite Clark Symbolized Film Industry's Strides

How long the road over which films have passed since the days of the early silent feature pictures was brought vividly to the mind of showmen this week when they read with feelings of sincere and in many cases deep personal loss of the death in New York of Marguerite Clark. She was one of the brilliant group of screen stars—others being Mary Pickford, Douglas Fairbanks, Pauline Frederick, William S. Hart and Charles Chaplin—who enticed to the masses whose desire for entertainment resulted in the displacement of the old time store and small theatre by the building of the modern type of show house which is the strength of the industry today.

She was a top ranking star in legit before Adolph Zukor, who established the Famous Players Co. in 1913, persuaded her to appear in films. Her dramatic and musical successes included co-starring with DeWolf Hopper and extended engagements in New York and on tour for the Shuberts, Winthrop Ames and William A. Brady. For Ames she appeared as "Snow White" (a performance which Walt Disney acknowledged was his inspiration for the cartoon fantasy which he made many years after he had witnessed it as a youth in Kansas City) and the charming and unforgettable "Framed." For Brady she starred in "Baby Minnie."

To Miss Clark and her studio co-star, Miss Pickford, goes chief credit for bringing to thousands of exhibitors everywhere the uncounted "family" trade. Some of her biggest picture successes were mild domestic comedies in which she personified the young woman of the period who had a mind of her own and did not hesitate to express herself. Her unique and peculiar charm, however, shone brightest in a type of fantasy and fairy tale picture, "Snow White," in which she appeared in films also, "Seven Swans" and "The Goose Girl." She was not only artistic achievements but also boxoffice smashes.

At the height of her popularity in (Continued on page 22)

Authorship Billing Worth \$50,000, Suit Avers

Eleanor Harris, authoress, who lost her application for an injunction against 20th Century-Fox's "Brigham Young" in N. Y. federal court last week, refiled her action against the film company Saturday (28). The time seeking damages of \$50,000. The plaintiff is the author of the original on which the film was based.

Miss Harris claims 20th-Fox bought her story, "Prophets of Empire," in February, 1939, and put her to work on the screenplay. She was joined by Louis Bromfield in May, and they worked together through July, 1939. The credits are given Bromfield alone. It is also claimed that the one thing for which he is credited, story research, she had nothing to do with. She estimates \$50,000 as the value of the publicity Bromfield received from his screen credit, and seeks that amount plus an injunction against the film.

'Melody' for Miss Powell

Hollywood, Oct. 1. Eleanor Powell's next starrer at Metro is "Broadway Melody," slated for early winter production, instead of "Ziegfeld Girl," as originally planned.

Currently dancer is on a boat trip to New York, recuperating from a recent illness, and will not return to Hollywood for about six weeks.

Five United Artists producers will share in the \$250,000 cash melon voted yesterday (Tuesday) by the board of directors. Payments will be the second annual divvy made under the [Murray] "Silverstone plan" of awarding those producers whose pictures hit various schedules of earnings in United States, England and world markets.

Those who will share in the coin are David O. Selznick, Walter Wanger, Edward Small, Samuel Goldwyn and Alexander Korda. Last two are each one-fifth owners of the United Artists Corp. Exact amount each producer got wasn't revealed. Rebates on the 25% distribution fee paid by the producers to UA—which is technically what this divvy is—cover the calendar year 1939.

Sum to be passed out to the producers became known last Thursday (26), when Price, Waterhouse Co., accountants, turned in their final figures on the 1939 books. There was considerable delay in making the tally because English grosses form an important part of the plan and upset conditions and shorthandedness in UA's London office made it difficult to get figures. Incidentally, part of each producer's divvy must remain frozen in England.

Distribution costs can be cut to 15% under the plan for producers on a picture. This is a domestic gross of \$1,750,000 or better, or for a producer all of whose pix together do \$6,000,000 minimum in the U. S. That's the biggest rebate. There are three schedules under which they are distributed. First is on single pictures and is paid separately for U. S. and England; second is total gross of a producer's pictures during the year, also broken down for U. S. and England; third is an overriding additional refund on total world earnings for producer's entire output.

Rebates run, under schedule No. 1, from 2% on grosses between \$750,000-\$1,000,000 to 10% on all over \$1,750,000 in the U. S. and England. It is from 2% on \$300,000-\$400,000 to 10% on all over \$700,000. Under the second schedule it runs from 2% on grosses between \$2,000,000-\$3,000,000 to 10% on all over \$6,000,000. In England it is from 2% on grosses between \$1,000,000-\$2,000,000 to 10% on all over \$2,400,000. Under the final schedule, taking in all world grosses, rebates are 2% on \$6,000,000-\$8,000,000; 3% on \$9,000,000-\$10,000,000; and 5% on all over \$10,000,000. Melon can never exceed 50% of UA's profits for the year.

First payment under the Silverstone plan was made last year on 1938 grosses. It is to run for three years, which means divvies on 1940 grosses will be the last, unless further extended.

GILLMAN'S ANTI-TRUST SUIT IN MINNEAPOLIS

Minneapolis, Oct. 1. By refusing to service the Minnesota and Palace theatres, eight major distributors and the Minnesota Amus. Co., (Paramount circuit) forced those showhouses to close, it's alleged in the \$25,000 damage suit brought against the distributors and company by Irving Gillman in consequence of his inability to obtain the major films for his sure-seater loop theatre, the Esquire.

The Gillman complaint claims that, as a result of this "stranglehold" on product, it was necessary for the Palace and World theatre owners to turn over their houses to the Paramount chain and the Minnesota theatre has been forced into bankruptcy. The \$25,000 sought is the amount which the plaintiff claims that his lease on the Esquire has been and will be damaged by reason of being deprived of major screen product. If victorious, Gillman would be in a position to collect triple damages.

A monopoly in production and distribution, with Minnesota Amus. company involved, is alleged in the complaint filed by L. B. Schwartz, counsel for Gillman.

Mono's 'East Siders'

Hollywood, Oct. 1. Sam Katzman closed a deal to produce four "East Side Kids" features for Monogram during the 1940-41 season. Last year's pact called for three.

Producer signed Leo Gorcey to star in the group.

CONSENT DECREE ALL SET

TRADE PRESS' VALUE

While interest in the film trade has been focussed on the protests of exhibitor groups against the sales provisions of the consent decree, which the five major theatre-owning film companies are signing as a fadeout of the Government's anti-trust suit, higher executive circles are devoting thought and study to the effect of the new order of things on Hollywood production. It is the consensus that the status of producing, acting and directing talent will be materially shifted to increased importance when the full force of the terms of the decree become operative with the distribution and exhibition season of 1941-42.

Present methods of business routine between film exchanges and theatre operators will be completely uprooted. Blockbooking and blindselling, as currently practiced, are abolished by the terms of the decree and, in their place, the Government restricts sales of films to groups of five pictures only, all of which must be completed and trade-shown before they are offered to exhibitors. Major companies that have offered to exhibitors in one group a year's program of 40 to 60 feature pictures must repeat their selling plans and repeat negotiations from eight to 10 times yearly.

Every film offered to exhibitors under the new scheme of things will carry a price tag after, instead of before, completion. Exhibitors, therefore, will scrutinize carefully the showmanship qualities and exploitation elements in individual pictures. Product that does not measure up in personalities and workmanship no longer will ride through the exhibition machinery under the blockbooking system by which the strong carry the weak. There will be a high premium on good production effort, and a pruning of carelessly made pictures.

When the full meaning of the consent decree is understood in Hollywood, there will be rejoicing in some quarters and concern in others. Individual players, directors and writers who have protested that their efforts under blockbooking are smothered by mass production and neglected in the exploitation of the outstanding few 'big' pictures, at the expense of lower budget films, will have an opportunity for the first time to more accurately gauge their worth.

Various estimates are being compiled of additional capital required by the major companies to increase their inventory of completed films to meet the conditions of the new selling plan. Management will select story material and personnel with a keener judgment of sales values.

It is the contention of several leading industry executives that the new selling plan will retard experimentation in picture-making, that studios will be less inclined under the new order to speculate large sums in opening new and uncharted fields of screen material. Emphasis, they say, will be exclusively on commercial product along conventional lines. Films as a form of art expression will not progress when the sole urge of production is boxoffice.

Such a viewpoint in effect is a challenge to the creative factors. New ideas which are the very life of the industry must conform to a more rigid commercial test.

All of which leads to the conclusion that the industry is entering a period of more intense development, to a closer and more intimate relationship between the makers of films and the men who show them in theatres.

To that end the trade press will play a most important part in the new scheme.

For several years hundreds of pictures which have contained the hopes and aspirations of producing talent have been tossed into the distribution hopper with scarcely a word of recommendation to exhibitors from their sponsors. Even the higher cost pictures bloom for a week or two on the exploitation vine and then are forgotten and their commercial merits permitted to wither and fade through sales and advertising neglect. Under blockbooking, good, bad and indifferent product has been pre-sold on paper promises or salesmen's enthusiasm.

It is going to be tougher than Hollywood anticipates to conform to the new plan. It is going to be impossible unless the exhibitors of the country are made acquainted with the values of the new product. A few national magazine advertisements and a couple of radio tieups will prove wholly inadequate.

Only showmanship inspired by enlightened trade press exploitation will solve the new problems.

Col. Execs' Powwow On Prod. and 'Arizona'

Hollywood, Oct. 1. Jack Cohn, Abe Montague, Abe Schneider and other Columbia home

office execs. are at the studio for two weeks' confabbing on production setup. Eight pictures are scheduled for start within six weeks. Premiere plans for 'Arizona' in both Phoenix and Tucson in mid-November are also being discussed.

JUDGE GODDARD GETS IT OCT. 7

Anticipate No Delays Despite Factional Dissatisfaction on One or Another Premise—Allied Is Passive, As Are the Majors Now

UA, COL., U MAY DITTO

Washington, Oct. 1.

Refutation of the consent decree—only as far as five of the eight major defendants is concerned—is expected in mid-October, when Federal Judge Henry W. Goddard resumes consideration of the big film anti-trust case. Motion will be supplemented, in all probability, by a request for leave to amend the bill of complaint as far as it affects the three recalcitrants.

Final decision about procedure will be reached late this week at a huddle between Justice Department attorneys and legal spokesmen for most of the majors. Unless something extraordinary develops, however, the parley will be only a rehearsal of the statements to be made when the respite ends next week.

Authoritative word is that the Justice Department, anxious to prune its court load as much as possible, has decided to move pigeon-holing of the charges against Paramount, 20th Century-Fox, RKO, Loew's (Metro) and Warner Bros., deferring until the new five-picture-package distribution scheme is tested thoroughly before any showdown on the matter of divorcement. Joint motion is likely, with the trust-busters explaining they do not want to destroy the industry because the Government feels the new rental plan may obviate the need for further proceedings. Complaints about talent trading and producer-exhibitor relations will be laid aside pending trial of the five-picture idea.

Whether everything will go through as contemplated at this time depends largely upon the attitude of Judge Goddard and the strategy of the various disgruntled exhibitor groups. Generally it is believed there will be no serious obstacles, although some yawling is considered inevitable.

Expect No Hitches

No serious opposition is seen, even from the theatre owners. As it stands, none of the independent ex-

(Continued on page 24)

MESSMORE KENDALL'S DEBUT IN POLITICS

Broadway is pleased over the nomination of Messmore Kendall by the Republicans for Congressman at Large in New York state because of his close association with the theatre. He is owner of the Capitol theatre (N. Y.) property but is better known as an attorney and backer of numerous theatrical enterprises. It is Kendall's first entry into politics.

Ev Riskin Back to Col.

Hollywood, Oct. 1. Everett Riskin returns to Columbia Monday (7) under a producer contract termed for two years without options.

He has been on a leave of absence for six months.

Murphy's Pair o' Pics

Hollywood, Oct. 1. Ralph Murphy has two jobs on his hands at the same time at Paramount, directing 'You're the One,' the Gene Markey production, and preparing 'Las Vegas Nights,' 'Nights,' a musical, is due to start Nov. 25.

List Squawks Against Columbia, UA, Republic and U for Alleged '39-40 Undeliveries, Carryovers, Etc.

'Eadie' on the Screen

Hollywood, Oct. 1.

'Eadie Was a Lady' was added to Lou Edelman's associate producer chores at 20th-Fox, making four under his supervision.

Three others are 'Yankee Doodle Goes to Plattsburg,' 'School for Soldiers' and a naval training story, still untitled.

Selznick Again Denies Joining A Major Studio

David O. Selznick Monday (30) reiterated his oft-made denials of plans to abandon independent production in favor of a post as a studio topper. Latest specific reports take in both RKO and 20th-Fox as outlets for his films. Metro has frequently been mentioned in the past.

Admitting that he has had overtures from various quarters, Selznick declared: 'I have no intention whatsoever of leaving the field of independent production. I wouldn't consider working either as a producer or an executive in any other capacity for any studio, no matter what the terms offered.'

Selznick, who has been in New York and Connecticut since last spring, is planning to return to the Coast within a few weeks. He said Monday he still has no definite production plans.

PASCAL COMING TO U.S. AROUND DEC. 15

Gabriel Pascal, who is filming George Bernard Shaw's 'Major Barbara' for United Artists at the Denham Studios in England, will leave via Clipper for the U. S. on Dec. 15, he declared in a cable Monday (30). He expects to finish shooting retakes on Oct. 15.

Under quota restrictions he will be required to abandon his plan of doing all the sound dubbing in the U. S., which would have brought him to this country immediately following the shooting finale. He will dub the prints for U. S. distribution on this side, however.

Shaw has recently completed a new prolog for his 20-year-old play.

Schenck's New Lawyer, H. H. Corbin Vice Steuer

Harold H. Corbin, attorney of 15 Broad street, N. Y., was appointed attorney for Joseph M. Schenck on Monday (30) in the N. Y. federal court, by the film executive, replacing Max D. Steuer, deceased.

Schenck's income tax case is scheduled to get under way tomorrow (Thurs.), but will probably be postponed to allow his new counsel time to prepare the defense, as Schenck asserts he is not guilty.

Haight, M-G Producer

Hollywood, Oct. 1. George Haight inked a producer contract at Metro and is looking over stories for his first start.

Recently an associate producer at RKO, Haight was once a member of the Samuel Goldwyn organization.

As result of the recent policy placed into motion by Allied States Assn. and its various units—exchanging information on distributor dealings—a resume of squawks concerning pictures that are not being delivered, commitments not met, carryovers from the 1939-40 season, etc., has been compiled. The job of doing so has fallen to the Independent Theatre Owners of Ohio, one of the more powerful state bodies in Allied.

Not all companies are concerned in the complaints gathered to date and now being disseminated among Allied members. Those against whom the squawks are leveled include United Artists, Columbia, Republic and Universal.

'Foreign Correspondent' is back of the blast against UA. It is claimed that several months ago UA, in announcing its program of releases for the balance of the year, absolutely identified 'Personal History' as a 1939-40 Walter Wanger release. 'Personal History,' it is declared, was listed as a tentative title, including in advertising at approximately the same time, but the director and the complete cast were named. They are exactly the same as in 'Foreign Correspondent,' it is noted.

In addition, the ITO of Ohio sets forth, the script was identified as being based on an idea by Vincent Sheehan. 'There is absolutely no doubt that 'Foreign Correspondent' is the picture described,' it is added 'and exhibitors should definitely demand the delivery of 'Foreign Correspondent' as a 1939-40 Wanger production.'

Col.'s 'Arizona'

The beef against Col concerns 'Arizona,' which it is claimed withheld as a 1939-40 release. Columbia completed the filming of the picture the latter part of July, it is stated, and thus had better than two months to put it in release on the '39-40 sled. The Allied Information Department has written, Abe Montague, Col's general sales manager, about the matter.

Republic is charged with assuming a very strange position in withholding of Gene Autry and Roy Rogers releases from the '39-40 contract. Clause 14 of the Rep sales contract provides that pictures not generally released on or before June 30, 1940, can be excluded from the contract. However, certain Autrys and Rogers westerns were released during July and August, others being withheld.

Position of Allied's Info Dept. is (Continued on page 20)

CHAS. FORD'S 'JUDGE PRIEST' INDIE PIX

Hollywood, Oct. 1.

Charles Ford, former Universal newsreel editor, is planning to star Bob Burns in a series of indie-made comedies based on Irvin Cobb's 'Judge Priest' stories. Cobb would help script and act in films.

'Priest' yarns were originally bought by 20th-Fox for Will Rogers but only one was made and remainder turned over to author, Ford looking for major release.

Pettijohn Recuperating

Charles C. Pettijohn, general counsel for the Hays office, who was operated on for removal of the gall bladder last Saturday (28), is reported slowly recuperating this week. He came through the operation with no complications, but will be absent from his office for three weeks or more.

Pettijohn, who had suffered from bladder trouble for several years, entered St. Agnes hospital, White Plains, last Wednesday when doctors advised an operation.

Despite Northwest's Optimistic Farm Outlook, Local Exhibs Still Beefing; Other '40-'41 Deals

Minneapolis, Oct. 1.

Figures showing that the Northwest continues to lead in the entire nation in farm cash, with a gain of 21% over last year to Aug. 1, are cheering the film trade here and leading to predictions of the best theatre grosses in years.

The figures, issued by the federal agricultural economics bureau, reveal that Northwest farmers already have realized \$589,836,000 this year to Aug. 1 in Minnesota, the Dakotas, Montana and Wisconsin. The farm income in this territory rolls in at the daily rate of \$2,734,100. Crop income alone of \$123,436,000 is 58% higher than in 1939. Minnesota stands out as leader of the Northwest states on all income items. Its total farm cash this year is \$228,135,000, compared with \$187,438,000 a year earlier. Of this the crop cash is \$50,441,000.

It also is pointed out by the film exchanges that this territory also will benefit from the Government's defense spending, the results of which are bound to reach here to some extent indirectly as well as directly. However, Northwest Allied, independent exhibitors' organization, is contending that this territory's theatre owners cannot afford to pay film prices comparable to those of other sections, flashes statistics published in a national periodical showing that up to date the Northwest has not received many war orders from the Allies and that only an infinitesimal amount of Government defense orders has been placed here.

F.F.-Canadian's RKO Deal

Famous Players Canadian has taken the RKO 1940-41 product for 159 theatres across Canada. Deal signed in Toronto, with J. J. Fitzgibbon and Ben Geldsaler acting for F.P.C. and Andy Smith of the RKO here, and L. M. Devaney, Canadian division sales mgr. representing the distributor.

W. C. Gehring, 20th-Fox central division manager, left N. Y. for Toronto Friday (27) to negotiate product and theatre deals. Plans to be in Canada nearly a week.

Deal for the Republic 1940-41 product covering the Fox-West Coast theatres has been closed in New York. Larry Kent, of F.W.C. and Francis A. Bateman, Rep's Los Angeles branch manager, came east to conclude the negotiations on the buy with J. R. Grainger. They returned west during the past week after signing the papers. Negotiations covered 10 days.

Republic picked a product deal with Frank H. Durkee Circuit operating 18 theatres in Baltimore, Havre de Grace and Annapolis.

Netco Not Yet

Believed to be the only circuit, large or small, in the country that hasn't closed a single 1940-41 product deal, though October has arrived, is Paramount's Netco Theatres Corp., which operates around 15 houses in upstate New York. Netco has a carryover deal with 20th-Fox, which negotiated a two-year contract with the circuit last season but otherwise it has been stringing along mostly on 1939-40 product on much of which it has been holding up dates in order not to get caught short.

Negotiations with the various distributors, including most of them, are on and likely settlement will be hurriedly reached because new season's product has been rolling from one to two months now on general release. The Netco chain, formerly operated by George Walsh, who retains an interest in the Yonkers Par-RKO pool, is now under direct home office supervision, with Harold Greenberg now at N. Y. headquarters in charge of buying.

Montgomery-McCollum Take Over 4 in Texas

Wichita Falls, Texas, Oct. 1.

The Texan, Ritz and Roxy here and the Roxy, in Electric, Texas, purchased by Bob Montgomery and Jack McCollum, formerly of Ponca City, Okla., from V. E. Hamm. Duo have been operating theatres throughout the state of Oklahoma for the past 20 years and will make new headquarters in Texas.

RKO's Military Checkup

Checking to ascertain how its personnel will be affected by the peacetime mobilization of military forces, RKO has sent out questionnaires to all employees. Company wants to know if any of its employees intend volunteering, how many dependents they have, whether they will be hit by conscription and other details concerned with possible shift in personnel.

As with other film companies, assurances have been given that men called out by conscription will be given employment on their return from military service.

70% for Chaplin But Gold (UA) Won't Confirm A 10% Profit Guarantee

Whether United Artists will guarantee exhibitors 10% on engagements of Charles Chaplin's "The Great Dictator," as Metro did with "Gone With the Wind" in deference to the 70% rental, was a point which Harry Gold, U.A. v.p. and eastern sales manager, refused to discuss yesterday (Tuesday). Question was referred to him by Murray Silverstone, U.A. chief.

"Don't ask me," Gold replied to queries on reports that the 10% would be guaranteed. "You only embarrass me."

Seventy percent rental was decided upon by U.A. execs in confab on the Coast with Chaplin recently. "Gone" is the only other picture in recent history of the industry on which such a rental has been asked.

Metro's plan on the 10% profit agreement was to arrive at a figure with exhibitors on his overhead, before pact was signed. Metro then agreed to make necessary adjustments in rental if there wasn't 10% profit over the net. A number of adjustments of this kind were made.

Pic will open in a number of other cities on the same policy as it will play the Astor and Capitol, N. Y., where it preems Oct. 15. One house will run it on two-day reserved seat basis at \$2.20 top and the other at 75c and \$1.10 grind.

WEIDMAN'S BOOK MAY BE SOLD TO 20TH-FOX

Twentieth-Fox is negotiating for screen rights to "Letter of Credit," humorous travel book by Jerome Weidman, which was published Thursday (26) by Simon & Schuster. Weidman previously authored "I Can Get It for You Wholesale" and "What's in It for Me." Fox is understood to have offered \$20,000, with S & S representing author in the deal, demanding \$25,000. Book relates Weidman's experiences in a six-month trip around the world prior to the beginning of the war.

Another Dixie Yarn Metro and 20th-Fox are both understood to be interested in screen rights to "Foundation Stone," new best-selling novel, which in many respects closely resembles "Gone With the Wind." Book, by Lella Warren, was published two weeks ago and hit best-seller lists over the past weekend.

Story is laid in Georgia and covers the Civil War period. It tells the story of the war through one woman and her daughter, who, through the course of the novel, grows up. Author, who was well known as a short story writer, gave up other scrivening 10 years ago—before Margaret Mitchell started "Wind"—to begin work on "Stone." It so closely resembles the Mitchell book she is said to have quit when it was published and was only recently urged to finish her lengthy volume.

No price has been quoted for screen right by agent Hal Matson. He's understood hedging, waiting for film companies to make first price suggestion. In the thought he may have another "GWTW," which was sold at what is now considered the surprisingly low figure of \$52,000.

Studio Contracts

Hollywood, Oct. 1.

20th-Fox picked up Gene Tierney's option. Lee Patrick drew an acting ticket at Warners. Ernest Palmer renewed by 20th-Fox as cameraman. Metro signed Harold Galman as vocal coach.

Levey's Personal Handling Upped His Pic \$200,000

Personal attention in the selling and handling of a picture, bringing it more money than it would have gotten otherwise, is exemplified by "Boys From Syracuse," whose producer, Jules Levey, has devoted almost his entire time to its exhibition career since he got it into the cans. The difference, in the opinion of Levey, is that the picture will wind up with at least \$200,000 more in rental return than it probably would have received if handled in the routine manner.

All his life in distribution and theatre operation, "Syracuse" being his maiden production effort, Levey takes the slant that a picture is able to get nearer the maximum potentialities of its market if it is properly piloted, sold and dated as well as exploited. Because of mass selling and distribution, he raises the point that the average picture is too much the victim of wholesale handling.

As of last week "Syracuse" had over 1,600 bookings and already has passed the sales quota set up for it by Universal, which distributed it. It has actually played off this number of dates, embracing all the top spots sold.

First Sketch Experiment

Levey has personally handled most all the deals on the film, going directly to the theatre operators and supervising booking. It is believed to be the first time that a producer has made his own deals and designations, as well as tied himself in closely on the exploitation and campaign with a view to obtaining the best possible results. Early campaigns on the picture have been followed through assiduously as new dates came up, with Levey and his aides personally servicing the exhibitors on it as a means of handing out cooperation they don't always get.

Levey has the edge on producing brethren when it comes to the marketing angle on pictures since he has an extensive background in distribution, being acquainted with most of the country's exhibitors, the various territories, their peculiarities, rental possibilities, etc. He also was in theatre operation at one time.

Sticking with "Syracuse" until it has gone further into circulation, Levey is remaining at the U. home office another 60 days or so. He has two Damon Runyon yarns and also plans a picture with Abbott and Costello, whose first picture, "Caribbean Nights" will shortly be released by U. The film Levey will do with the Abbott-Costello team will not be a musical, though it may have some music in it as background. "Hellzapoppin'" is slated to roll next June.

16 OF B'WAY CAPITOL'S STAFF OF 50 ENLIST

Tipoff on how theatres in New York and another into circulation will be affected by the nation's conscription program is evidenced by 16 of the Capitol theatre's (N. Y.) operating staff of 50 having enlisted in the army, navy or marines. During the "World War" it's estimated that the Capitol sent approximately 180 employees into the military service (theatre used a larger stage crew then, and also this covers replacements who left to serve the colors).

Fred Welch, son of Freddie Welch, the fighter, has passed his examinations as radio engineer in the navy, with a mark of 99.7, reputed to be the highest in years. While ushering and supporting his mother, Welch had been studying radio engineering at home.

Of People and Places

By THE SKIRT

The Best Dressed Woman of the Week
GLENDA FARRELL
'Separate Rooms'
Plymouth Theatre

Undoing Hollywood Casting

In "Separate Rooms" at the Plymouth theatre, Bobby Crawford has a comedy, the like of which hasn't been seen in New York in many a moon. It's what used to be called 'naughty'. Alan Dinehart, for many years one of our better comedians, unfortunately went out to Hollywood where naturally he was typed as a heavy. But today he's where he belongs, in comedy. And another Hollywood faux pas was the handling of Glenda Farrell as a hard-boiled newspaper dame or something not in her line. Miss Farrell should be in light comedies like the kind Myrna Loy, Rox Russell or Irene Dunne have had.

The three acts of "Separate Rooms" take place in a penthouse living room. The room is of paneling with a bar in one corner, while a desk and entrance to a bedroom are on a raised dais. The rest of the room is modern with comfortable divan, chairs and just the right nicknacks. Miss Farrell's first gown is a lovely bluish green sequin affair made in long straight lines with a slightly bloused bodice. The head is swathed in blue chiffon. In the second act a street costume consists of a long green two-piece suit trimmed cleverly with summer ermine. The hat is a small flowered affair. The act, in two parts, sees her change to white slacks and coral jacket. In the last act wide pajama pants are of purple crepe with wide belt of red and white blouse. With the sports clothes wedgies are worn. Mozelle Britton is now a lovely redhead. Here is more picture material. Miss Britton appears first in a red fox jacket worn over a cleverly modelled black crepe gown. Long black gloves are embroidered and wide bracelets complete the outfit.

A bioge two-piece suit has London tan accessories. A matching hat has the new upturned brim. The jodphurs are grey with tan skirt and a riding coat is brown. The last dress is a one-piece knitted affair worn with a turban matching. Medora Keene, in for a few minutes, wears a black and dusty pink redingote, with purple hat, shoes and gloves.

Mickey the Great at State

At the Capitol is Mickey Rooney's latest film and at Loew's State is that young man making a personal appearance. Al Rosen, the manager at the State, has his hands full this week. Crowds on the inside, crowds on the outside and police at the stage door. That kid can mess up Broadway, an amazing adolescent; he monologues, sings, plays the piano, imitates and bangs the drums. There is nothing that little Rooney can't do, or, anyhow, won't try. He walks off the stage into the audience and pronto is surrounded by kids crying for autographs.

Ruby Zwilling and his pitmen are on the stage this week with a background of white draperies. Jack Beekman is master of the stage introducing the acts. It is vaudeville and good, but the mob is waiting for Mickey and the time seems long.

Virginia Martin dancing with one Robinson wears a fuchsia accordion-pleated skirt. The top is of blue ruffles cut square at the neck. The waistline was not there, just bare flesh. Diamonds dotted this top and slippers were a near matching fuchsia. Off came the long skirt and underneath the same colors were in a short skirt. The girl of the Four Lazzardis did the same change about. The long dress was of white satin with a decoration of green and red sequins. The short costume was carried out in the same colors.

Judy Starr has grown blonder with the years. Her frock was of the apron style. The blouse was pink and the apron an Alice blue. The white wedgies were a bad choice.

"I Love You Again" with Myrna Loy and William Powell is the picture. Miss Loy wears some darling clothes. A strapless evening gown of black was worn with a short jacket and a cut out design in white around the collar and down the front. A handbag matched. One street dress was interesting in red and black lines with black coat over white. The cuffs were of lace with a lace hat to match. Miss Loy always sets the fashion in housecoats. One quilted one is worth copying and a negligee of white crepe had a yoke of some metallic material extending across the back and shoulders.

Judy Looks Down at Mickey at Cap

At the Capitol, "Strike Up the Band" with Mickey Rooney and Judy Garland, suggests that M.G.M. intends teaming these two youngsters again they had better make hay while the sun shines, because Judy's shooting up into a real young lady, and a darn beautiful one, too, and already is at least two inches taller than Mickey. It ain't romantic when the guy is smaller. The picture directed by Busby Berkeley drew applause that broke out in many spots. Good to see Paul Whiteman on the screen, even if it took an hour and a half to bring him on. The Conga number sent the audience into raptures. But to an oldtimer like the Skirt the show the kids put depicting the 90's was the highlight.

Judy Garland is maturing professionally as in womanly beauty. With her hair combed high and Floradora costume she was ravishing. The girls in this number are supposed to be of the early nineties but strange as it is it is just what the women today are striving to look like. The pompadour hairdo is what the well dressed females are wearing.

Judy's school dresses are of the simple shirtwaist variety and her party frocks are the full skirts with bodices of velvet with tiny puffed sleeves. June Prenter once before vamped Mickey Rooney, if memory serves, as she is at it again. Miss Prenter's clothes were sophisticated, she being of the wealthy family of the picture. Her party frock is a fluffy white affair with plenty of fluff. Mickey has a sceng with his mother, Ann Shoemaker, as touching as his scenes with his father in the Hardy series and Lewis Stone, playing as his father.

Broadway's Al Goodman

Speaking of the Al Jolson smash, "Hold On to Your Hats"—and everybody is speaking of it—it was good to see that wizard of the pit, Al Goodman, also back on Broadway. What the orchestra leader means to a musical comedy is known and appreciated by housewives everywhere. Goodman paces his men with the old-time zing. Moreover, in Jolson's first appearance when he gets chummy with the audience he depends largely on repartee between himself and Goodman.

A Letter From Alice Lloyd's Daughter

The following is a letter received from Alice Lloyd's daughter in Bantstead, England, which is in Surrey, about 20 miles from London.

"I am pleased to say everyone here is keeping fit and able to exercise their sense of humor."

"I am still doing ambulance work; did quite a bit of work when the Dunkirk affair was on. When air raids are on we have to stand at our posts. Sometimes we are on duty from 3 p.m. until 4 in the morning. But we manage to pass the time singing and drinking tea. We have quite a decent air raid shelter in our garden and it's too funny to watch our two dogs directly the warning goes, they go to the dugout and trot down below and make themselves comfortable and directly the all clear sounds they get and make for the house."

"I suppose you heard Freddy Fox lost his only son about 10 months after war was declared. He was first lieutenant in the air force and only 21. We simply can't fall when grand boys like him are giving their lives for us. We have had one or two Canadians to tea and supper; feel so sorry for them as they have no place to go when they are off duty. Mother's show closes in a fortnight. Shan't be sorry to have her home, altho I know she will hate not working."

"Excuse me, but I have just washed my hair and I'm sitting in the garden drying out. In the present moment you would never dream there was a war going on, the day is so beautiful and quiet."

Alice Mae.

MUSIC 'WAR' UPSETS PIX

Can't Get Stagehands From Union,

Kaimann (Who Testified Against Nick and Weston) Beefs to U. S.

St. Louis, Oct. 1.

Clarence Kaimann, owner of a chain of North St. Louis nabes and affiliated with Fred H. Wehrenberg in the Greater Independent Circuit, a combo of 25 houses, has complained to the U. S. anti-trust division because of his inability to obtain stagehands through the AFL Stagehands Union, Local No. 6. Kaimann, one of the Government's chief witnesses against John P. Nick and Clyde A. Weston several weeks ago, said he asked the union for stagehands early last week and C. Orville Newlin, secretary of the Local, told him he would be notified later as to getting the men.

Failing to hear from the union, Kaimann asserts he addressed the request to Newlin again on Thursday (28) in a registered letter and failing to receive a reply posted notices in his theatres Friday (27) calling off the shows. He said he made other attempts to communicate with Newlin by phone before cancelling the shows.

Newlin said he had turned Kaimann's application over to the union's negotiating committee, which, he said, tried to arrange a meeting with Kaimann to discuss the request but had been unable to find him. Kaimann had agreed in the settlement of a recent Circuit court case against the union, Newlin said, to negotiate the employment of union members, and since then he has refused to meet with the committee. A controversy still exists between the union and Kaimann over the organization's demand that he hire maintenance men in his theatres. Newlin stated. He denied that the union has refused to furnish stagehands for the skedded shows. Kaimann also denied that the settlement had entailed an agreement to hire maintenance men. He said that in withdrawing the suit, a petition for an anti-picketing injunction affecting five theatres be agreed only to enter negotiations and to get other owners to enter them. Meetings with union representatives, including Newlin, were broken off last October, Kaimann said, when negotiators refused to list the owners they represented and union representatives refused to present their full demands.

The show that was called off has been presented in other nabes during the last 10 days with stagehands furnished by the union. Kaimann said, although he scheduled them for his Florissant, Baden and Salisbury.

McCREA, STANWYCK IN PAR'S GOLD RUSH EPIC

Hollywood, Oct. 1.

Joel McCrea and Barbara Stanwyck are slated for top roles in "Pioneer Woman," a tale of the California gold rush, to be produced by William Wellman at Paramount.

Picture is McCrea's second under his new Par contract. Currently he is playing in "Reaching for the Sun," and Miss Stanwyck is doing "Lady Eve."

Oboler to Write-Direct 2d Frank Lloyd Pic at U

Hollywood, Oct. 1.

Arch Oboler closed a director-writer deal with Frank Lloyd Productions at Universal. "The Flying Yorkshirman" as his first assignment. Picture, based on Eric Knight's novel, will be Lloyd's second for Universal release during 1940-41.

Meanwhile, Oboler will continue his radio work, producing, writing and directing "Every Man's Theatre," which hits the air over the NBC network, beginning Oct. 4.

FILMUSICALS' BALLY WORRY

Pictures, with Songs, Which Depend Strongly on Radio for Exploitation Now Have Another Headache

NO ACTION YET

Faction of the amusement business which has begun to view the threatened break between the broadcasting industry and the American Society of Composers, Authors and Publishers with no little concern is the film producers. While no meetings have been held among them on the subject, suggestions have been thrown out here and there that it would be prudent for the producers to get together and try to devise other ways of exploiting their scores in the event network radio becomes shut off to them.

All the major film companies each have several musicals included in their schedules for the 1940-41 season. They've so geared their exploitation operations that radio has come to play an important part in the general pattern.

One solution already suggested is that the producers buy a series of hookups for each musical, and that in the event the networks decline to permit them to air tunes that by previous contract belong to ASCAP writers and publishers, the producers retaliate by imposing an absolute ban against the appearance of their contract players on either sustaining or commercial programs. That would be another one of the complications which radio would face should it go through with its threat to keep ASCAP music off the air after Jan. 1.

Only three of the major companies are in the publishing business, namely, Metro, Warner Bros. and Paramount. So far, Metro's publishing subsists haven't renewed their agreements with ASCAP making the lone exception in the case of the threesome.

NYU Follows U.S.C. With Regular Course In Screen Writing

New York University this week becomes the second college in the country to offer a course in screen writing as a regular part of its undergraduate curriculum, counting as credit toward graduation. It's being taught by Robert Gessner, who returned a couple of days ago from two weeks in Hollywood, where he made tieups with virtually all the major studios to provide them with promising grads as junior writers.

Gessner, while on the Coast, also acquired a number of "model" scripts which he is using as text books, since there are no actual texts on the subject. Course is being taught on a "workshop" basis, with about 20 specially-selected students registered.

University of Southern California is the only other school offering a similar course. NYU, Columbia and a number of others have for some years offered night or extension courses in screenwriting technique, but they are not credited for graduation. Gessner has been working on plans for a full four-year curriculum in film-making, which may be instituted next September.

N. Y. ENGINEERS' WAGE TILT

Accord has been reached by the Greater New York Teachers and the International Union of Operating Engineers, Local 30, on a two-year contract from July 1, last, granting a slight increase in the basic scale to the members of this union. Now getting \$52.50 weekly, the engineers will receive \$53.75 for the first year of the contract and \$55 for the second.

SWG Wins 6-Month 'Temporary Agreement' With Producers; 80% Guild Shop in Effect

That'll Keep Him Busy

Hollywood, Oct. 1.

Metro is mulling a starrer for Spencer Tracy to be produced ahead of "Tortilla Flat" and "The Yearling," both of which are on his list. Weather, script and other conditions have caused a shift in the shooting schedule.

Third picture is under consideration to fill in the shooting gap.

ADD FOOTBALL AT NIGHT TO PIX WOES

New exhibitor bugaboo, night football, which has been an increasing fall headache in recent years, threatens still further competition this season. Gridiron games Saturday afternoon, with resultant functions, few of which include picture theatres in key cities, are generally regarded as severe enough opposition but the influx of the after-dark contests and professional night games has reached unprecedented proportions this fall.

With approximately 437 co-educational colleges and universities and some 63 institutions for male students alone, this means that there are more than 450 football teams with ability to draw crowds. Of approximately 225 games each weekend (Friday or Saturday), it's reported that an average of 75 contests attract folks away from the film theatres each week.

Spread of night games to larger schools located in bigger cities is a particularly damaging factor. Because they come on two of the biggest nights of the week for the exhibitor, this sports competition is doubly severe.

Another factor in the trend to the nocturnal grid battles is the professional game throughout the middlewest and along the Atlantic seaboard. Last year, record crowds swamped the pro footballers and an even greater attendance is looked for this fall. Not only have the professional teams gone in more and more (Continued on page 22)

WILLIE BIOFF JUST VACATIONING—UNQUOTE

Hollywood, Oct. 1.

Complying with an order in U. S. district court to return to this jurisdiction within 10 days following release from the Chicago prison, Willie Bioff is back at his Valley ranch. However, he gets a 30-day permit to leave the jurisdiction for vacation.

Bioff issued the following statement through his attorney, "I have not seen anyone connected with studios or the studio union and I do not intend to until I return from a vacation of several weeks. I have no plans at present and will not make any until I have had needed rest." Bioff is under indictment charging \$85,000 income tax evasion, but the case has been continued until the February term.

U and Nan Grey Part

Hollywood, Oct. 1.

Nan Grey checked off the Universal lot with her contract terminated by mutual agreement after four years.

Actress is understood to be dissatisfied with her recent roles. Last part was in "A Little Bit of Heaven."

Hollywood, Oct. 1.

Screen Writers Guild got together with the producers on a contract calling for an 80% Guild shop, with the guild in control of screen credits, subject to arbitration, for a period of six months, during which both groups agree to negotiate on a definite understanding. The contract, recognized by both sides as a 'temporary makeshift agreement,' goes into effect Oct. 10.

For the next half-year, the producers agreed to recognize SWG as the exclusive bargaining representative of all film writers employed in California. The producers are permitted to hire up to 20% of their writers but are not allowed to encroach on the 80% allotted to the Guild. However, "case a producer has in his employ at any one time less than five writers, then one of such writers so employed may be a non-Guild member."

Screen credits, including adaptation, continuity, scenario, dialog, gaging and work of similar nature, but excluding credits for the original story, unless such story was turned in by writer or writers while employed by the producer, will be awarded in the manner prescribed by the arbitration machinery set up under the new agreement.

Another provision of the contract is that the producer agrees it will be the general practice of not assigning any writer, at the time he is assigned to any material, of the names of all other writers then employed in California by such producer who are then working on the same material. A standing committee consisting of three producer representatives and three members of SWG will be set up to administer the agreement.

Racial Ban Averted

Plan to ban work calls from racial types was vetoed by Fred W. Beston, president of Central Casting Corp., on the grounds that it might be interpreted as discrimination against certain extra classifications, and that it might result in charges of unfair practice with the National Labor Relations Board.

Proposition to refuse incoming calls from racial types was announced recently by Howard R. Philbrick, general manager of Central Casting. (Continued on page 22)

N. Y. PAR'S OWN GYM FOR THEATRE STAFF'S USE

A fully-equipped gymnasium, believed to be the first of its kind for a theatre, has been installed in the Paramount, New York, with one of the large rehearsal halls on the eighth floor converted for the purpose. It is the idea of Bob Weitman, managing director, and strictly for the staff's use whenever off duty.

In dedicating the gym, a smoker was held Thursday night (26), with members of the service staff putting on a show of their own. Barney Ballaban, president of Par, attended.

Gym includes regulation-size basketball court, shuffle board, medicine ball, punching bags, pingpong table, boxing gloves, etc.

New IA Local in Mich.

Detroit, Oct. 1.

The first new IATSE local in Michigan in the last 16 years has been established at Mt. Clemens. The new Local 735, which adjoins the area covered by the vast Detroit local, takes in all of Macomb County and a few of the smaller towns in Oakland County.

Officers of the new setup are Bert Penzine, president; Fritz DeVantier, vice-president; Dan Defenbach, secretary; Norman, Pinfield, treasurer, and T. E. Bauman, business agent.

Grey Produces Autrys

Hollywood, Oct. 1.

Harry Grey succeeds William Berke, recently resigned, as producer of the Gene Autry westerns at Republic. Next picture is "Valley of the Moon," written by Betty Burbridge and Bradford Ropes, due to start Nov. 18 when Autry returns from his eastern tour.

Grey formerly handled the Three Mesquiteros series at Republic.

FILM READERS GUILD DEBUTS IN N.Y.

New York unit of the Screen Readers Guild debuted recently with a meeting attended by about 25 staff and 'outside' readers for story departments of major studios. Forty-two of the approximately 50 readers in New York eligible to join the group have signed up, it was said.

With the usual organizational technicalities out of the way, the body went into an immediate discussion of reforms it will seek. Aim is to ask, within a month or so, for meeting with the film companies to discuss a contract. It will be a blanket agreement covering both inside and outside story ganderers.

Principal aim will be to raise pay, particularly for the outside readers, who work on a piece-rate system. They average \$18-\$20 a week, which the Guild seeks to bring up to \$25-\$30. There will also be an attempt to obtain a closed-shop.

Stabilization of the outside reading field is another aim. This consists mainly of eliminating a fringe of readers who don't work permanently. Included in the latter group, it was said, will as far as possible be friends of relatives of execs, who read as a sideline. Coast unit of the Guild was forced to forego a closed shop contract because a plea by an exec that something must be saved for 'friends and relatives.' Pact, as a result, calls for 80% of the readers being Guild members and 20% outsiders.

'Supply and Demand'

'Supply and demand' is the answer given by story editors to the low pay earned by 'outside' (Continued on page 20)

20TH SETS 2-YR. RECORD WITH 10 PIX IN WORK

Hollywood, Oct. 1.

Ten pictures are facing the lenses at 20th-Fox, the largest number on that lot since 1938. Included are "The Mark of Zorro," back for additional scenes, and "Down to the Sea in Ships," chiefly concerned at present with whaling shots off the Mexican seacoast.

Others are "Hudson's Bay," Michael Shayne, Private Detective, "Tin Pan Alley," "Romance of the Rio Grande," "Western Union," "Chad Hanna," "Golden Hoofs" and "Corn-cob Kelly's Benefit."

Duvivier's H'wood Pic

Hollywood, Oct. 1.

Julien Duvivier, French director, inked a pact to pilot the Merle Oberon starrer, "Manon Lescaut," for Alexander Korda.

Picture is slated for a December start.

Roxy, Par, Cap, Strand and Rivoli On B'way to Up Morning Matinee Prices; May Set Trend for Others

Agreement has been reached by the operators of the larger first-run theatres in downtown New York to increase the so-called morning matinee prices and believed that while the situation does not exist elsewhere to the extent that it does on Broadway, the same course may be followed throughout the country. This would incite the true in such an event in the larger keys.

Understood that there was no pressure from the distributors in obtaining accord among New York first-runs in stepping up the morning prices, though it's what the sales departments prefer.

Downtown N. Y. houses involved in the price lift are the Roxy, operated by Fanchon & Marco for 20th Fox; the Paramount, flagship of the Par chain; the Capitol, operated by Loew's; Strand, de Luxe in the Warner chain; and the Rivoli, which is part of the United Artists theatre circuit.

All of these theatres have been charging 25c from opening, which sometimes as early as 8 a.m. or around that, up to 1 p.m. With the Federal tax, the price to the public has been 28c. Under the admission increase, agreed upon as standard for the houses involved, the price to the public will be 35c, which is 31c net to the theatre and 4c U. S. tax. The amount of increase net to the b.o., thus is 6c.

Formerly, before the two-bit morning matinee price became general, the Broadway first-runs started at 40c, while under the 25c price to 1 p.m. and then 35c, there has been too much of a differential, in the opinion of managers.

Hall Always 40c
Music Hall has always remained at 40c mornings and is not affected in the new move of the others. State, operated by Loew's, has a 25c a.m. price but is not concerned in the new agreement, because it is a second-run. Using vaude, it is opposition to others, however.

Lesser first-run such as the Criterion, Globe and Rialto will stick to their two-bit figure for mornings. Probably under the set 35c price for the Roxy, Par, Cap, Strand and Rivoli is that there will be less or no juggling of admissions at all henceforth. It has been the habit of some houses to raise the price to jump from the 25c price before one o'clock when shows were drawing large morning crowds. Cap, formerly for years at 25c mornings, recently went to the 35c that will apply as the standard opening levy from now on.

Among the others now following the new price today (Wed.) on bringing in its new show, "I Want a Divorce" and the Frankie Masters band, Roxy is scheduled to switch tomorrow (Thurs.) on opening "Spring Parade," while for the Rivoli it will be Oct. 8, when "Long Voyage Home" opens. Rivoli has long been a champion of a higher morning price and on a few big pictures has switched from 25c to 40c. Strand shifts to the 35c price tomorrow (Thurs.) on what will be the seventh day of its present show. The 1 p.m. price for all houses is scheduled to remain at 25c.

In addition to providing what it is believed will be additional revenue for the downtown first-runs, the upping of the admission serves as partial answer to the complaints made by other operators. Downtown second-runs like the Palace (RKO), which cannot charge less than 25c as well as neighborhood houses, have considered it unfair for the bigger first-runs on Broadway to charge as little as a quarter because it lessens the incentive to wait for a picture in the nabes. Also, if the larger downtown theatres aren't charging anymore for big shows than the nabes are with double bills, many patrons may be taking into account the fact there is no difference in price if able to go to the theatres mornings.

In many situations throughout the country the operators have no problem so far as morning prices are concerned due to the fact that the theatres do not open as early as they do in New York. However, where they do open before lunch it is likely that they will watch the results in N. Y. or because of nabe situations and prices may be encouraged to emulate the Broadway move. This may also be true of circuits which operate in N. Y. as well as other parts of the country.

Resent Tax-Evaders

St. Louis, Oct. 1.

Exhibits in small rural towns in Southern Illinois and Eastern Missouri, who slashed their admission scale from 25c to 20c to circumvent the national defense tax, have discovered that they didn't pull such a smart trick after all. Local film row observers report that natives in many of these communities figured out for themselves that the motive behind the price-cutting was for the purpose of avoiding the tax and resented the unpatriotic move by remaining away from many houses.

Most of the houses that sliced the scale had been charging 25c on several nights, 20c on others and it has been pointed out that the wiser thing for them to have done would have been to maintain the 25c scale and absorb the tax themselves.

WB and National Screen Accord on Accessories

Warner Bros. and National Screen Accessories have reached an agreement under which both companies will separately distribute ad sales material on WB pictures, with the latter automatically bringing about withdrawal of a long-pending suit against National Screen Service. This was brought four years ago by Warners on the ground that National was getting out special trailers on WB product without authorized use of material. Warners shortly before had started making its own trailers and will continue to do so.

Under the terms of the one-year deal with National Screen Accessories, NSA will get out a full line of advertising material on WB product as supplemental and distinct from the ad accessories Warners itself will continue to handle. The motivating factor of the agreement, according to a joint statement by Grad Sears and Herman Robbins is to extend the ad accessories service now rendered by both companies. In this way two sources of material are made available to the exhibitors playing Warner product.

'National Knute Rockne Week', From The WB Picture of the Same Name

Backed by one of the most extensive campaigns ever put on by Warner Bros., the company's "Knute Rockne" has its world premiere Friday night (4) under elaborate auspices in South Bend, Ind., in four theatres, the State, Colfax, Palace and Granada. Scaled at \$1.85 top, all of the houses were completely sold out by the end of last week and estimated that around 250,000 visitors will be drawn to the town for the event. Opening of the film climaxes the so-called national Knute Rockne week celebrations winding up Saturday (5).

From Sept. 29 to Saturday (5) was proclaimed by Gov. M. Clifford Townsend of Indiana as official Knute Rockne week and the governors of 13 other states have fallen in line under what amounts to one of the most outstanding promotional stunts ever done in the picture industry for an individual film. Mayor Jesse I. Pavey of South Bend set aside tomorrow (Thurs.) as a civic holiday in the university city and appointed a citizens committee to direct activities in advance of the picture's premiere.

With special parties from both east and west scheduled to arrive in South Bend tomorrow (Thurs.) an impressive list of events have been scheduled by Warner Bros. on the preem, including several broadcasts. Bob Hope will m.c. the Hollywood show coming on for the preem. A banquet will be held at Notre Dame in the evening and there will be a Mutual network broadcast from there as well as a Vox Pop air show

NW Mounties Accept Par's Premiere Coin

Regina, Sask., Oct. 1.
Breaking a regulation which has been in force since the inception of the organization in 1873, the Royal Canadian Mounted Police has agreed to accept money from a private corporation and will receive the entire receipts of the world premiere of Paramount's "Northwest Mounted Police," at the Capitol here Oct. 21.
The money will be used by the R.C.M.P. for the purchase of an ambulance and other additions to Canada's war effort.

Appeal B'way Par's \$50 Fine for 'Illegal' Sign; Test for Other Houses

Regarding the Paramount sign violation case in the nature of a tester, Broadway theatre operators are viewing the matter with interest because of fear that, if the fine against Par stands, it may lead to a general crusade against other houses. Found guilty of a sign violation Thursday (26) before Magistrate Ford, who imposed a fine of \$50, the Paramount, N. Y., has decided to appeal.

Sign that figured in the case brought by the city, which charged that the necessary permit was not obtained, was one used several months ago on "Dr. Cyclops." It was a large, inanimate sign spread which was placed on the front of the theatre above the marquee with flood lights shooting upward at it. Par claims it was not a wired sign, for which a special permit is essential.

Arthur Israel, Jr., formerly with the Par legal department and now executive assistant to Barney Balaban, is representing the Par theatre in the sign proceedings. He handles legal work on the side for the Hercules Theatre Corp., which operates the house.

CAMERA CONTEST

Newark, Oct. 1.
Camera contest by Bob Ungertfeld, manager at RKO Proctor's, is being run in connection with house's Monday and Tuesday night vaude bills. Cash and passes will go to amateur photographers taking best shots of the acts.

Winning pic appear in Sunday Call's roto section.

BIRDWELL'S N. Y. TREK

Hollywood, Oct. 1.
Russell Birdwell heads east as emissary for Alexander Korda to confer with Murray Silverstone on N. Y. theatre dates for "Thief of Bagdad." Pic is slated for Globe, N. Y.

O'Connor Shifts N. Y. RKO Theatre Personnel; Other Exchange Briefs

In an extensive realignment of personnel in the RKO Greater New York theatres, a number of additional promotions and switches have been effected by John J. O'Connor, circuit's operating head.

Stepping up are Jack Reis, assistant manager of the Madison, Brooklyn, who takes over management of the Greenpoint; Edward Shannon, chief of staff at the Dyker, Brooklyn, who becomes assistant at the Prospect; John Ellick, advancing from the Palace service staff to assistant mgr. and treasurer of the Uptown, N. Y.; Herbert Bonis, chief of staff at the Madison to assistant mgr.; treasurer of the Tiliyou, Coney Island; and Richard Reynolds, who becomes assistant manager and treasurer of the Midtown as well as the Yorktown, N. Y.

Transfer without promotion include managers Michael Edelstein from the Strand, Far Rockaway, to the Tiliyou; Warren Barrett from the Columbia, Far Rockaway, to the Strand at that point; Sigurd Wexo from the Dyker to the Columbia, Far Rockaway; and Frank Howard from the Greenpoint to the Dyker. Among assistant mgrs. moved are Francis Kohl from the Madison to the Prospect, and Nathan Mazor from the Uptown to the Marble Hill, N. Y.

One of the purposes of the transfers is to better acquaint managerial forces with different theatres and localities. Advertising-exploitation men were recently switched around for the same reason.

Graduation Day

Vancouver, B. C., Oct. 1.
Stan Pooley, assistant manager of the Orpheum here, has been upped to manager of the Windsor, P. nabe. Switch resulted in Larry New of the Windsor, moving to the Kerrisdale. Dick Letts, of the Capitol, Vancouver, moved to the Orpheum to take the place of Pooley who will become manager of the Windsor, replacing New, now at the Kerrisdale.

Jerry Ross' Berth

Seattle, Oct. 1.
Jerry Ross, former vaudeville licensee, who recently returned to Seattle from Portland, for Sterling chain, is new manager of Palomar, and also mgr. for all stage shows at Palomar, Rivoli and Grauman's houses. Charley Barnes, former manager, becomes Ross' assistant.

RKO Takes Over Trio

Following the deal of RKO taking over the houses of the Peimham circuit, all in the Bronx, the Peimham swung under the RKO banner last night (Tues.) with a special opening, while the Marble Hill opens tonight (Wed.) and the Castle Hill tomorrow (Thurs.). In each case special festivities embrace personal appearances of talent, civic, business and social leaders, and the community. Inaugural show under new double-bill policy, "The Mummy's Hand" and "Hired Wife."

N. J. Allied's Elections

Atlantic City, Oct. 1.
Lee Newbury of Belmar was re-elected president of the Allied Theatre Owners of New Jersey at the end of its 21st annual convention Friday (31). Harry Miller of Passaic elected first vice-president, Ralph Wilkins of Pitman second v.p.; Harry Lowenstein of Newark, secretary, and David Snager of New Brunswick, treasurer. Frank P. Grava of Atlantic City, George Gold of Newark and Jacob Unger of Hillside, re-elected for three-year terms on the board of directors.

'Rockne' Fete in Philly

Philadelphia, Oct. 1.
City officials and prominent Notre Dame alumni will attend the Philadelphia "Knute Rockne-Alumni" dinner at the Ritz-Carlton Hotel Thursday (3) at which a preview of the film will be shown. Motion Pictures Associates, newly formed out of the old Leslies, planning a minstrel show.

Philly Record's cooking schools will be held again in Stanley-Warner nabe starting next week.

Simon Fine, new Castor open early in November. Joe Forte named manager of the S-W Parker.

Brokaw's House

San Francisco, Oct. 1.
Irving Brokaw new manager of the Larkin here. Lad is nephew of Johnny Hyde, v.p. of William Morris agency, Hollywood.

MPTO Buffalo Extends Zone

Buffalo, Oct. 1.
Motion Picture Theatre Owners, Buffalo zone, is enlarging its geographical jurisdiction to include all of New York State, with exception of N. Y. City metropolitan area. Outcries for new members will be inaugurated with a series of ex-hibitors of Buffalo-Rochester territory at Buffalo on Oct. 7, followed

by meetings in Syracuse, Oct. 8, and Albany, Oct. 9.

Each of these meetings will be addressed by Ed. Kuykendall MPTOA national president.

Cohoes, N. Y., Mayor's Best

Cohoes, N. Y., Oct. 1.
Cohoes theatres must be extensively remodeled or they will be permanently closed by municipal authorities. This was the last author, who declared that unless detailed plans for a series of alterations are submitted within 10 days by yesterday (Tues.) the closing order will be effective at that time.

The move, Mayor Roulier declared, is intended as a safeguard to patrons of the place. He likewise indicated that it is directed principally at the Rialto in Remsen street, south of Ontario. The Regent, located north of Cayuga street, will also be affected by the order.

Lake, Salt Lake, Reopening

Salt Lake City, Oct. 1.
Lake, formerly the Roxy, reopening under former manager, Andy E. Floor. Policy will include road shows and pictures, as formerly. Theatre has been closed eight months, result of fire which gutted the interior.

Weyland Ups

Regina, Sask., Oct. 1.
David F. Weyland, projectionist for H. S. Humphrey's Broadway, Sask., theatre, has entered the theatre managing business. He's opened theatres in Kipling, Kennedy and Estevan, Sask.

Spills for the Victors

Los Angeles, Oct. 1.
George Hickey pulled down \$2,500 as first prize for topping Metro's nationwide distribution contest for top business during the past year. Hickey is western district sales supervisor for the company. Two of his branch managers, Clayton Lynch in Los Angeles, and Langdon Wingham in San Francisco, won \$500 each.

St. Lee Variety's Benefit

Salt Lake City, Oct. 1.
Local Variety Club is whipping up arrangements for a midnight benefit show in Fanchon & Marco's 5,000 seater Fox theatre on Oct. 12. Harry C. Arthur, Jr., v.p. and gen. mgr. of FAM's interests here, chairman of the general committee, said that Al Pearce and Johnny Perkins will headline the show that will include 20 acts, a line of 24 from Sam Ryder's burlesque house, three bands and a film thrown in for good measure.

Lower floor chairs will be sold for \$2, 35c mezzanine seats for \$5 and the balcony seats for \$1. A sellout will net approximately \$10,000. Other members of the general committee are Lou Ansell, Harold D. "Chick" Evans, Fred Werhberg, Tony Matrecci, chief Barker, and Clarence D. Hill, manager of the local Columbia branch.

AMATEUR REPORTER BALLYHOO IN NEWARK

Newark, Oct. 1.

Novel promotion idea cooked up by Bill Phillips, manager of Loew's State, and Jesse Allen (Jay Cassino), theatre editor of Newark Star-Ledger, gives customers at house opportunity to be a reporter.

Battery of typewriters was set up in mezzanine 'city room' when 'Boom Town' opened and stub-holders were invited to tap out reviews of flicker. Writer of best review, picked by Allen, gets chance to write by-line review in local sheet of "Foreign Correspondent," coming to Loew's Oct. 10, and cash prize. Others get cash.

Idle caught on with adults as well as youngsters. Six typewriters were installed at first but this number had to be doubled within a few days. Number of reviews turned in to date is nearing 2,000 mark.

'Bagdad's' Charity Preem

Hollywood, Oct. 1.
'The Thief of Bagdad,' which Alexander Korda started in London and finished in Hollywood, gets a \$5 preem at Carthy Circle here for benefit of the Motion Picture Relief Fund and the British-American Ambulance Corps. Originally slated for an Egyptian location but prevented by the war, were shot in the Grand Canyon.

Chi Blah: 'Brigham' Jarrett Orch N. G. \$25,000, But 'Western' Nice \$10,000, Cabot-Sporting OK \$15,000

Chicago, Oct. 1.—Something has taken the wind out of the loop theatre sails in the past couple of weeks, with the big houses indicating a surprising lack of office strength. Those h's holding up are the unusual items.

There is apparently plenty of blame on the exploitation departments for the last week. It was generally, but one example of a house going out to do an active selling job on a picture is the Palace, which has made a real winner out of "Hired Wife" (1,500; 25-35-55). It is coming up with a flattering gross.

Other pictures which are doing well are "Pastor Hall," which had a big natural impulse in the week it was first banned and then okayed by the censor board, and "Gone With the Wind," which remains a wonder as it goes into its fourth quarter in the loop.

"Brigham Young" started out as a flat disappointment in the Chicago and is going nowhere, indicating one of the poorest marks in some time. Two vaude houses look for 50-50 coin, but a good break is hoped for at the Roosevelt with "The Westerner."

Estimates for This Week
Apple (B&K) (1,200; 25-35-55)—"Pastor Hall" (UA) (2d wk.)

On censor publicity came through to mighty \$15,000 last week, and will hold to excellent \$10,000, currently. Chicago (B&K) (1,400; 25-35-55)—"Brigham" (20th) and Art Jarrett band headlining on stage. Looks for set \$25,000, poorest in some time. Last week was also a chin-dropper when the touted "Sea Hawk" (WB) and vaude lasted only seven days to \$33,000, under expectations.

Garfield (B&K) (800; 35-55-65-75)—"Sea Hawk" (WB). Came in here for another try and will take \$5,000, which is all right in this house. Last week, "Rangers Fortune" (Par), wasn't much at \$3,100.

Oriental (B&K) (200; 28-44)—"Faces West" (Rep) and vaude. Dead End Kids and Little Tough Guys headlining on stage. Average movie session in at \$5,000. Last week, "Sea Raider" (Par) and Tommy Tucker band on stage, okay \$16,200.

Palace (RKO) (2,500; 35-44-66)—"Hired Wife" (UA) and Mummy's "Dead End Kids" (WB). Has had real run of it following great advertising campaign. Looks for \$8,000 in the finale, after fine \$10,200 last week.

Roosevelt (RKO) (1,700; 25-35-75)—"Westerner" (UA). Opened Saturday (29) and figures for satisfactory \$10,000. Last week, "Profile" (20th), drew select but small set of customers for \$10,000.

State-Lake (B&K) (2,700; 28-44)—"Sporting Blood" (M-G) and vaude. Bruce Cabot, Ebsens and Sidney Miller on stage. Combination showing some box office value and indicates \$15,000, average. Last week, "Blonde Servant" (Col) and Blue Barron on stage, fair \$14,100.

United Artists (B&K-M-G) (1,700; 25-35-55)—"Boon" (M-G) (4th wk.). Holding to better than \$8,500 currently, which is smart on the length of the run following excellent \$9,500 last week.

Weeds (Esaness) (1,200; 75-81-10-15)—"Gone" (M-G) (38th wk.). Has been advertising last week's so long that public doesn't believe it any more, but they still keep coming to a remarkable degree, holding to phenomenal flicker to a gross of \$8,000 currently, after taking same last week.

'Correspondent' Neat 10,000 in OK Denver

Denver, Oct. 1.—First-runs are above average except at the Denham, where "Quarterback" is showing.

Estimates for This Week
Aladdin (Fox) (1,400; 25-40)—"Brigham Young" (20th). Good \$10,000 at the Denver, nice \$4,000. Last week, "Staying for Breakfast" (Col) and "Lion Wings" (UA) after a week at the Denver, nice \$4,000.

Broadway (RKO) (1,040; 25-35-40)—"Boon Town" (M-G). Second week after two weeks at the Orpheum; okay \$3,000. Last week, "Boon Town" (M-G), strong \$4,000.

Denham (Cockrill) (1,750; 25-35-40)—"Quarterback" (Par). Poor \$3,000 for six days. Last week, "I Want a Divorce" (Par), after four days the preceding week, weak at \$4,000.

Denver (Fox) (2,525; 25-35-40)—"Foreign Correspondent" (UA) and "Gay Caballero" (20th), sturdy \$10,000. Last week, "Brigham Young" (20th), strong at \$10,000.

Orpheum (RKO) (2,800; 25-35-40)—"Wyoming" (M-G) and "Queen of Destiny" (RKO). Good \$9,300. Last week, "Dance Girl" (RKO) and "Kildare Home" (RKO), (RKO) and "Kildare Home" (RKO) (RKO) (2,800; 25-40)—"Girl Avenue A" (20th) and "Won't"

Talk" (Col). Nice \$4,000. Last week, "Public Deb No. 1" (20th) and "Yesterday's Heroes" (20th), were good at \$4,000.

Rialto (Fox) (878; 25-40)—"Stayed for Breakfast" (Col) and "Lion Wings" (UA), after a week at the Denver and Aladdin, okay \$2,000. Last week, "Sea Hawk" (WB), after a week at the Denver and Aladdin, and "Haunted House" (Mono), good at \$2,500.

'HOWARDS' N.G. IN PITT AT \$7,200

Pittsburgh, Oct. 1.—Nothing to it this week but "Strike Up the Band" at the Penn., but even that's not doing quite the expected big, coming as it does on top of rave reviews, notices and recent record breaking p.a. of Mickey Rooney at Stanley. Local crix were a bit lukewarm, although film's doing well enough to grab a h., probably at another house, however.

"Foreign Correspondent" doing okay at Stanley, but also a trifle disappointing considering the hand-springs the reviewers turned, and have been turning for several weeks starting with Walter Wanger's visit to town some time ago. The two major crackups, however, are "Brigham Young" at Fulton, and "Howards of Virginia" at Alva, both films nose-diving woefully and late-week not even rating a second week. Warner and Ritz doing nicely with h.o.'s of "Westerner" and "Boon Town" respectively.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50)—"Howards" (Col). Excellent notices for this one, but the public isn't buying. Pulling out, but after one week, skimping \$7,200, way below par. Last week, "Stayed for Breakfast" (Col), fair \$4,000 for second week.
Fulton (Sine-Hyde) (1,750; 25-40)—"Brigham Young" (20th) (2d wk.). Another biggie that's taking a beating. H.o. session here limited to four days and in that abbreviated stretch, was by luck to grab off \$2,200, pretty low. Last week was also under estimates, getting barely \$5,000.

Penn. (Loew's-UA) (3,300; 25-35-50)—"Strike Up the Band" (M-G). Rooney-Garland pull of course is legion, but even so this won't be up to figures their "Babes in Arms" ran up. Present pace indicates at least \$18,000, plenty good, but whether that's sufficient to warrant h.o. here or move to Warner for second week hasn't been determined yet. Last week, "Westerner" (UA), around \$14,500.

Ritz (WB) (800; 25-40-50)—"Boon Town" (M-G). Fourth session for this one downtown, following week at Warner and two at Penn. Advertisements still holding for some theater and four-starrer, giving spot one of its best takes in months. Looks like around \$4,000, great. Last week, "Men Sky" (RKO) and "Money Woman" (WB) depressing \$1,400. Stanley (WB) (3,800; 25-35-50)—"Foreign Correspondent" (UA). This one drew just below the best notices of the year, but isn't coming up to o.o. expectations. Building something, but hardly enough to better \$12,000, average. Last week, "No Time Comedy" (WB), got same figure.

Warner (WB) (2,000; 25-35-50)—"Westerner" (UA). Second week from Penn and doing well enough. At around \$5,200, that's average big for h.o. from bigger-seater. Last week, "Boon Town" (M-G), great \$8,800 and record-breaking fortnight at Penn.

'WIFE' MUMMY' SNAPPY \$18,000 IN BROOKLYN

Brooklyn, Oct. 1.—Brisk attendance for Paramount's "No Time for Comedy" and "River's End," and RKO Albee's "Hired Wife" and "Mummy's Hand." Loew's Metropolitan, holding a "Love Out Again" and "Dr. Kildare Goes Home," will come through with satisfactory results. Fabian Fox's second week of "He Stayed for Breakfast" and "Three Faces East" also looks for pleasant returns.

Estimates for This Week
Albee (RKO) (3,274; 25-35-50)—"Hired Wife" (U) and "Mummy's"

First Runs on Broadway (Subject to Change)

Week of Oct. 3
Astor—"Gone With the Wind" (M-G) (42d wk.).
Bryant—"Before I Hang" (Col). (Reviewed in Current Issue)
Capitol—"Strike Up the Band" (M-G) (2d wk.).
Criterion—"Wyoming" (M-G) (2).

(Reviewed in VARIETY, Sept. 11)
Globe—"Pastor Hall" (UA) (3d wk.).
Music Hall—"Howards of Virginia" (Col) (2d wk.).

Palace—"Money and the Woman" (WB). (Reviewed in VARIETY, Sept. 18)
Paramount—"I Want a Divorce" (Par) (2).

(Reviewed in VARIETY, Sept. 4)
Rialto—"Diamond Frontier" (U) (4).
Rivoli—"Foreign Correspondent" (UA) (6th wk.).

Rox—"Spring Parade" (U). (Reviewed in Current Issue)
Strand—"City for Conquest" (WB) (2d wk.).

Week of Oct. 10
Astor—"Great Dictator" (UA) (15).
Capitol—"Great Dictator" (UA) (15).

Criterion—"Golden Fleeing" (M-G) (9). (Reviewed in VARIETY, Aug. 21)
Music Hall—"Knew What They Wanted" (RKO).

Paramount—"I Want a Divorce" (Par) (2d wk.).
Rivoli—"Long Voyage Home" (U) (4th wk.).
Rox—"Spring Parade" (U) (2d wk.).

Strand—"City for Conquest" (WB) (3d wk.).
Hand (U). Snappy \$18,000. Last week, "Lucky Partners" (RKO) and "Men Against Sky" (RKO), okay \$18,000.

Fabian (1,089; 25-35-50)—"Stayed for Breakfast" (Col) and "Three Faces West" (Rep) (2d wk.). Good \$14,500. Last week, nice \$16,000.
Met (Loew's) (3,618; 25-35-40)—"Love Me" (M-G) (2d wk.). Okay \$17,000. Last week, fine \$20,000.

Paramount (Fabian) (4,128; 25-35-50)—"River's End" (WB). Strong \$21,000. Last week, "Rhythm Rider" (Par) and "Those Days" (U), nice \$18,000.
Strand (WB) (2,870; 25-35-40)—"Grand Ol' Style" (Col) and "Black Diamond" (U). Peaceful \$4,500. Last week, "Anything Love" (U) and "Boys City" (Mono), ditto.

'CORRESPONDENT' NICE \$15,000 IN WASH.

Washington, Oct. 1.—Glenn Miller's orch, playing five and six shows daily at the Earle, WB vaude, is still going strong this week, outstripping nearest rival, "Foreign Correspondent," playing straight at Loew's Palace.

Only other newcomers are "Haunted Honeymoon," wallowing with no-name vaude at Loew's Capitol, and "Lady in Question" at Met, which critics' praises couldn't save beyond four miserable days.

Estimates for This Week
Capitol (Loew) (3,434; 28-39-44-66)—"Haunted Honeymoon" (M-G) and vaude. It's all up to the pic and opposition won't allow it over week \$14,000. Last week, Mickey Rooney p.a. pushed "Wyoming" (M-G) to record-busting \$35,000.

Columbia (Loew) (1,234; 28-44)—"Boon Town" (M-G) (2d run). Back downtown after three hefty stanzas at Palace and hitting around handsome \$7,000. Last week, "Mystery Sea Raider" (Par), sick \$3,500.

Earle (WB) (2,218; 28-39-44-66)—"Sporting Blood" (M-G) and Glenn Miller Orch. Latter entirely responsible for sock \$23,000. Last week, "Howards of Virginia" (Col) (2d wk.) profitable \$13,000.

Kath's (RKO) (1,830; 35-55)—"Hired Wife" (U) (2d wk.). Holding for solid \$8,000. Last week, strong \$13,000.

Met (WB) (1,600; 28-44)—"Lady Question" (Col). Reviews all good, but "Strike Up the Band" (30) after four days at foppo \$2,100, giving way to second run of "Howards of Virginia" (Col). Last week, "Stayed for Breakfast" (Col) (2d run), big \$6,500.

Palace (Loew) (2,242; 39-55)—"Foreign Correspondent" (UA). Hefty bally and sock reviews mean oke \$15,000. Last week, "Frank James" (20th), light \$11,000.

Mickey Rooney Week on B'way, 45G At State, 40G in 'Band' at Capitol; 'Conquest'-Bobby Byrne Click 45G

Broadway got four new shows of major caliber this week, including the personal appearance of Mickey Rooney at the State. The young Metro star is also on the screen at the Capitol in "Strike Up the Band." Further strength for the street is lent by "City for Conquest" and the Bobby Byrne swing band at the Strand, while also in there pitching for a respectable gross is "Howards of Virginia," current Music Hall film.

Rooney has "I Love You Again" with him on second-run at the State. Having done a bigger Monday (30) than on the opening day, Thursday (26), there is a good chance the house may finish good enough in the stretch to hit \$47,000. This tops the \$44,500 grossed by Rudy Vallee and "Labeled Lady" in 1936. "Thanksgiving week" and the \$44,400 hit by Ed Sullivan and "Captains Courageous" over Labor Day in 1937. Only Eddie Cantor, as does "Howards," World went over and that also included a holiday, the Fourth of July in 1939, \$51,300.

"Strike Up the Band," which opened at the Cap. Saturday (28) instead on the usual Thursday change day, looks \$40,000 or better, very good for the straight film division.

Last year, for the final week of August, Rooney, in a personal at the Cap with Judy Garland, picture being "Wizard of Oz," while at the State against Rooney was one of his pictures, "Andy Hardy Gets Spring Fever." This time, the Loew bookers reverse the process and it seems to be working out now just as it did then.

"City for Conquest," highly-touted film, will draw \$45,000 into the Strand with the aid of the Byrne band, excellent business and hold. "Strike Up the Band" also, reserved at the State, "Howards" later looking around \$86,000.

A new show is opening today (Wednesday) at the Paramount, "I Want a Divorce" and the Frankie Masters band, plus Jane Froman and the Three Stooges. House got two satisfactory weeks out of "Rangers of Fortune" and Jane Savitt, Andrews Sisters, Jerry Lester, knocking off \$43,000 the first and \$30,000 the second.

Another new bill coming in is "Spring Fever," which opens in at the RKO tomorrow (Thursday) a day ahead of schedule. "Brigham Young," on its holdover of six days, petered to \$21,000 for that period, due in part no doubt to the "City for Conquest."

"Pastor Hall" is doing well in its second week at the Globe, probably \$8,000 and goes another round.

A coming event of major importance is the Capitol film, "Great Dictator," which goes into the \$2 Astor and the Capitol, both Loew's, under a "Gone With the Wind" policy on Oct. 15. It will be a two-day, seats around \$1, at the Astor at a top of \$2. Cap will be reserved opening night as "Wind" was, then go grind at advanced admission of 75c. matinees and \$1.00, night.

"Wind" exits from the Astor Oct. 13 after a run of 43 weeks.
Estimates for This Week
Astor (1,012; 75-85-10-15-45-42-20)—"Wind" (M-G). Good \$42,200. Last week (41st), \$9,500, good. Prior week (40th) was \$9,000. Departs Oct. 13, with house to premiere "Great Dictator" at the Capitol, Oct. 15 under the same policy as maintained for "Wind."

Capitol (4,520; 35-40-55-75-110-125-135)—"Strike Up the Band" (M-G). Rooney-Garland-Whiteman musical hitting on all cylinders for a boom \$40,000 or better and holds. "Boon Town" (M-G) went two days over a second week, on the nine showing up with nearly \$35,000, very good. "Dictator" (Chaplin-UA) opens here Oct. 15, with all seats reserved premiere night, \$1.00, and goes on continuous policy to be 75c and \$1.10.

Criterion (1,662; 25-40-55-65)—"Goodbye, Mr. Chips" (M-G). Brought in \$42,000 (42d wk.) and breathing heavily, only about \$3,500 indicated. House pulled "Comin' Round the Mountain" (Par) after two days of pain with it, under \$1,000.

Globe (1,700; 42d wk.). "Pastor Hall" (UA) (2d week). Made a swell catch on the first week, \$12,000, and still pulling "em in on the holdover, around \$8,000. Remains over.

Palace (1,700; 25-35-55)—"Lucky Partners" (RKO) (3d wk.) and "Byond Tomorrow" (RKO) (1st run), coupled. Pretty good, is what they'd call it, about \$8,600. "Sea Hawk" (20th) and "Public Deb No. 1" (20th) (1st run), in nine days, not much manage more than \$8,100.

Paramount (3,654; 25-35-55-88-99)—"I Want a Divorce" (Par) and, on stage, Frankie Masters, Jane Froman, Three Stooges, open today (Wed.). A satisfactory \$30,000 was brought in by "Rangers of Fortune" (Par) and an "Andy Hardy" (WB) and "Jerry Lester" on the second week, and last night (Tues.). The first was \$43,000, very all right.

Radio City Music Hall (5,580; 40-

60-84-99-\$1.65)—"Howards" (Col) and stage show. At \$86,000 on the first week doing well and holds. Although "Ramparts" (March of Time-RKO), did a mile better, \$87,000, it was not over along energetically.

Rialto (750; 25-40-55)—"Chan at Wax Museum" (20th). About \$5,500 looked for. In ahead "Mummy's Hand" (U), on eight days, \$9,000, good.

Rivoli (2,082; 25-40-55-75-99)—"Foreign Correspondent" (UA) (6th-final week). Tapering off, but still getting some check the fifth week through last night (Tues.) being \$15,500. Prior hebdomadal stint (5th) over \$18,000. On the first five weeks film will have topped a total of \$130,000 for better picture, "Lion Wings" (UA) opens Tuesday night (8).

Rox (5,835; 25-40-55-75)—"Brigham Young" (20th) and stage show (2d incl. week). Fell below \$40,000 the first week but, while disappointing, not too bad. With new shows against, is off on the holdover and on the six days, ending tonight (Wed.) only about \$21,000. "Lion Wings" (UA) breezes in tomorrow (Thurs.).

State (3,450; 25-35-55-75)—"I Love You Again" (M-G) and Mickey Rooney in person. Combined draught of Rooney and the picture, which has done way throughout the country, means a sock take of around \$45,000, second best house has done, but tons for any week here that did not include a holiday. "Lion Wings" (UA) and "Pride and Prejudice" (M-G) (2d run) and Milton Berle, near to \$25,000, good.

Strand (2,787; 25-50-55-75-85-90)—"City for Conquest" (WB) and Bobby Byrne band. "City for Conquest" for around \$45,000, very sturdy, and holds. Byrne band is credited strongly in aiding the Cagney-Sheridan names at the b.o. Last week, "Boon Town" (M-G) (2d run) and Larry Clinton, was \$28,000, nice profit.

Laurel-Hardy P.A. Plus 'Kildare' Big \$18,000 in Omaha

Omaha, Oct. 1.—Only downtown house showing this week is the Orpheum with Laurel and Hardy on its stage and "Dr. Kildare Goes Home" on the screen. Como appears headed for around \$18,000 at an upped gate for 15-40-55c.

Omaha, with "Flowing Gold" and "Girl from Avenue A," is light. Ditto the Brandeis, with "I Want a Divorce" and "Song of the Third Floor."

Estimates for This Week
Orpheum (Tristates) (3,000; 15-40-55)—"Kildare Home" (M-G) and Laurel and Hardy on the stage. Comedy team's draw means big \$18,000. Last week (10-25-40), "Brigham Young" (20th) and "Not Tought" (U), okay \$10,000.

Omaha (Tristates) (2,000; 10-25-40)—"Flowing Gold" (WB) and "Girl Avenue A" (20th). Light \$8,000. Last week, "Wyoming" (M-G) and "Golden Fleeing" (M-G) and "Tux Kid" (Rep), okay \$10,000.

Brandeis (Mort Singer) (1,500; 10-25-40)—"Want Divorce" (Par) and "Stranger Third Floor" (RKO). Around \$4,500, weak. Last week, "Howards of Virginia" (Col) and "Wild-arc Bird" (Col) \$4,000, light.

State (Goldberg) (900; 10-20-25)—"Ramparts" (RKO). "Drive By Night" (WB), split with "Girls Road" (Col) and "Song of Kansas" (U). About \$1,800, good. Last week, "Tux Kid" (Rep) and "Anything Love" (U), split with "Carolina Moon" (Rep) and "Manhattan Heartbeat" (20th), pretty good \$1,800.

Town (Goldberg) (1,500; 10-20-25)—"Island Doomed Men" (Col). "Adventures" (20th) and "Cambling High Seas" (WB), split three ways with "Around Town" (Mono) and "Song of Kansas" (U). "Tux Kid" (Rep), and "Pop Pays" (RKO). Nice \$1,300. Last week, "Lady Ranger" (Rep), "Haunted House" (Mono) and "Mummy's Hand" (20th), split with "Texas Stage Coach" (Col). "Rage of Paris" (U), and "Return Wild Bill" (Col). "Murder Air" (WB) and "House Boy" (UA), \$1,500, good.

Avenue-Dundee-Military (Goldberg) (2,500-500)—"25 Ramparts" (RKO) and "Drive Night" (WB), split with "Adventures" (20th). "Can't Fool Wife" (RKO) and "3 Faces West" (Rep). Pretty fair \$1,800. Last week, "Hardy Deb" (M-G) and "Anything Love" (U) split with "Manhattan Heartbeat" (20th). "Sine, Dancin'" (Rep) and "House Boy" (UA), fair \$1,200.

Garland-Rooney's 'Band', \$20,000, Great In S.F.; 'Brigham' Fair 16G

San Francisco, Oct. 1. Frisco's first runners find themselves in the unique spot of being entirely solo-billed this week, with exception of one moverover, the St. Francis. With the Gate and United Artists normally running singles, Boom Town holding a fifth week at the Warfield and 'Howards of Virginia' going a second at the Orpheum, it needed only the unsupported debut of Garland-Rooney's 'Strike Up the Band' at the Paramount to make it unanimous.

Biggest blow to b.o.'s this week was the fair finale. Combination of fine weather and 'last-days' bally sloughed mats particularly. Weekend was way off as record mobs jammed Island (29) to participate in closing ceremonies.

Estimates for This Week

'Box' (F-WC) (5,000; 35-40-50)—'Brigham Young' (20th). Selling the wife angle here and fair \$16,000 in view. Last week, 'Rangers Fortune' (Par) and 'Money Woman' (WB), fair \$18,000.

'Golden Gate' (RKO) (2,850; 39-44-55)—'Dr. Christian Women' (RKO) and 'Rochester' on stage. Jack Benny's stooge all that's counteracting the slump. Looks for \$15,000, excellent as things stand. Last week, 'Men Sky' (RKO) and vaude, \$10,500, mild.

Orpheum (F&M) (2,440; 35-40-45)—'Howards Virginia' (Col) (2d wk.). May touch \$8,000, big for this solo-billed engagement. Initial frame coaxed splendid \$11,000.

Paramount (F-WC) (2,740; 35-40-50)—'Strike Up Band' (M-G). Personal appearance of Judy Garland at ASCAP's show (24) with resultant publicity will provide nice advance bally for this film, headed for terrific \$20,000 despite Fair. Last week, 'Great Profile' (20th) and 'Yesterday's Heroes' (20th), mild at \$9,000.

St. Francis (F-WC) (1,470; 35-40-50)—'Wyoming' (M-G) and 'Kildare Home' (M-G) (2d wk.). Sticking for second week here, third downtown. Will do \$5,000. Last week okay at \$6,000.

United Artists (Cohen) (1,200; 35-40-50)—'Foreign Correspondent' (UA) (3rd wk.) still strong for \$6,500, after collecting \$8,000 on second period.

Warfield (F-WC) (2,680; 40-50-65)—'Boom Town' (M-G) (1st wk.). Phenomenal run will wind up with an amazing \$7,500. Last (4th) stanza was good for fine \$9,000.

'Correspondent' Okay at 10G In Baltimore

Baltimore, Oct. 1. Extra strong lineup of product is helping matters all around here. No one outstanding spot, but all hands are contributing to okay town total. Nice takes being chalked up by 'Spring Parade', at Keith's, and 'Foreign Correspondent', at Loew's Century. 'He Stayed for Breakfast' at the combo Hipp, is not up to expectations. Same reaction to 'The Great Profile', at the New, which may, however, pick up during the week with house's strong daytime femme patronage.

Estimates for This Week

Century (Loew's-UA) (3,000; 15-28-44)—'Foreign Correspondent' (UA). Attracting consistent play to okay \$10,000. 'He Stayed for Breakfast' (UA), failed to catch on strongly at \$6,900.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66)—'Stayed Breakfast' (Col) vaude, still strong, fairish pace to \$12,000. Expected more. Last week 'Men Against Sky' (RKO), leaning entirely on p.a. of Glenn Miller, drew good \$17,200, but not up to anticipated figure. These free broadcasts in 3,500-seat Lyric no help to b.o. and blamed by management for disappointing total take. Last week, Miller orch drew \$19,200 at this same house.

Keith's (Schanberger) (2,406; 15-28-39-44)—'Spring Parade' (U). Hitting it off in robust style day and night and indicating solid \$9,000. Last week, 'Coming Round Mountain' (Par), poor \$4,600.

New (Mechanic) (1,581; 15-28-39-44)—'Great Profile' (20th). Not up to expectations at \$5,000. May pick up with week-day femme play attracted by this house in heart of downtown shopping area. Last week, second of 'Brigham Young' (20th), added \$4,100 to rather nice opening round at \$6,700.

Stanley (WB) (3,280; 15-28-39-44-55)—'No Time Comedy' (WB) (2nd wk.). Holding up in nice style at \$6,000. First sesh drew very strong \$12,700.

'WESTERNER', \$7,000, NEAT IN MEMPHIS

Memphis, Oct. 1. 'It's The Westerner' all the way in Memphis this week. Loew's State attraction is loping a prairie mile ahead of the field as rest of the town goes split-week.

Fade of Shirley Temple popularity best evidenced by fact her 'Young People' is surviving only four days at Loew's Palace Pub. Deb. No. 1 is in for balance of week. Mid-South Fair is the big opposish.

Estimates for This Week

Loew's State (Loew) (2,600; 10-33-44)—'Westerner' (UA). Here's one boss opy that has the women coming with the men for possible \$7,000. Last week, 'Wyoming' (M-G), \$4,500, okay under circumstances.

Warner (Warner) (2,300; 10-33-44)—'Money Woman' (WB), four days; 'River's End' (WB), three. Neither pulling; together may get \$3,000. Last week, 'City Conquest' (WB), \$5,300, fair.

New Maleo (Lightman) (2,800; 10-33-44)—'Comin' Round Mountain' (Par), four days; 'Great McGinty' (Par), three days. Looks like will do well to gross \$3,000, poor. Last week, 'Howards Virginia' (Col), \$4,700, not bad.

Loew's Palace (Loew) (2,200; 10-33-44)—'Young People' (20th), four days; 'Public Deb' (20th), three days. Temple still holding down the week to probable \$3,300. Last week, 'Brigham Young' (20th), \$4,000, weak.

Strand (Lightman) (1,000; 10-22-33)—'Rhythm Round Mountain' (Par), four days; 'Great McGinty' (Par), three days; 'Boys Syracuse' (U), two days (all 2d runs). Should nab good \$1,800. Last week, 'Stayed Breakfast' (Col) (1st run), three days; 'Cant Fools' (RKO), two days; 'Triple Justice' (RKO), two days, \$1,400, poor.

DURBIN, \$7,500, NICE IN INDPLS.

Indianapolis, Oct. 1. (Best Exploitation: Loew's)

'The Junes are causing turnstiles to click in the downtown sector this week, with heavy biz reported for Mickey Rooney and Judy Garland in 'Strike Up the Band', at Loew's, dualled with 'Secret Seven', and in 'Daltons' (Par), three days. 'Boys Syracuse' (U), two days (all 2d runs). Should nab good \$1,800. Last week, 'Stayed Breakfast' (Col) (1st run), three days; 'Cant Fools' (RKO), two days; 'Triple Justice' (RKO), two days, \$1,400, poor.

Apollo is still looking around for a policy. Bought 'Leopard Men' and 'Rebellious Daughters', but it didn't look good enough to last the week, so changed Sunday (30) to reissues of 'Lost Horizon' and 'Awful Truth'.

Whenever Loew's gets a musical and youth appeal in a picture, Joe Malloran wears out a lot of shoe leather and dashes about town getting tieups. This week, in addition to his regular publicity, he got two ads and a window from the Pearson Music Co. for a Saturday-Sunday morning show for 2,500 kids. Also had a street ballyhoo on opening day with life-size blowups of Mickey and 'Rebellious Daughters', but it didn't look good enough to last the week, so changed Sunday (30) to reissues of 'Lost Horizon' and 'Awful Truth'.

Estimates for This Week

Apollo (Wallace) (1,100; 25-30-40)—'Lost Horizon' (Col) and 'Awful Truth' (Col), split. Fair \$1,200. Last week, 'Cant Fools' (RKO), drew \$700, and was jerked after four days, replaced by 'Leopard Men' (Select) and 'Rebellious Daughters' (Select). Which was even sadder at \$600 for three days.

Circle (Katz-Dollie) (2,600; 25-30-40)—'Mummy's Hand' (U) and 'Argentine Nights' (U) Okay \$7,100. Last week, 'Rangers Fortune' (Par) and 'Mystery Sea Raider' (Par), sad \$3,600.

Indiana (Katz-Dollie) (3,100; 25-30-40)—'Spring Parade' (U) and 'Men Against Sky' (RKO). Satisfactory \$7,500. Last week, 'Brigham Young' (20th) and 'Chan Museum' (20th), okay \$7,000.

Loew's (Loew's) (2,400; 25-30-40)—'Strike Up Band' (M-G) and 'Secret Seven' (Col). Socko \$13,000. Last week, 'Men Against Sky' (RKO) and 'Blondie Servant' (Col), good \$8,200.

Lyric (Lyric) (2,800; 25-30-40)—'Up in Air' (Mono) and 'Ozzie Nelson Orchestra. A break-even at \$10,000. Last week, 'Pushover' (U) and 'George Jessel's unit. Fair \$11,800.

'Conquest', \$7,500, Tops H.O.-Flooded Montreal

Montreal, Oct. 1. Couple of h.o.s. with one of them, 'Sea Hawk', still in the money, feature the local piz menu currently. 'City for Conquest', at Palace, is top newcomer.

Estimates for This Week

Palace (CT) (2,700; 25-45-55)—'City Conquest' (WB). Good \$7,500 in sight. Last week, 'Time Comedy' (WB), handsome \$6,100.

Capitol (CT) (2,700; 25-45-55)—'Frank James' (20th) and 'Girl Avenue A' (20th). Pointing for very nice \$6,500. Last week, 'Drive Night' (WB) and 'Calling Husbands' (WB), weak \$5,600.

Loew's (CT) (2,800; 30-40-60)—'Sea Hawk' (WB) (2d wk.). Good \$6,000, after smash \$12,800 last week.

Princess (CT) (2,300; 25-34-50)—'Flowing Gold' (WB) and 'Money Woman' (WB). Pacing for fair \$4,500. Last week, 'Cant Fools' (20th) and 'Chan Museum' (20th), good enough \$4,000.

Orpheum (Ind) (1,100; 25-40-50)—'Captain Caution' (U) and 'Dance Party' (Rep). Sighting \$1,500 probable, after mediocre \$3,000 last week.

Cinema de Paris (France-Film) (600; 25-30)—'Fieles' (4th wk.). Satisfactory \$1,100, after nice \$1,400 last week.

St. Denis (France-Film) (2,300; 25-34)—'Pere Lebonnard' and 'Mystere de la Maison Blanche'. Entree des Artistes and 'La Mascotte', good \$4,100.

BUFF. N.G., BUT 'BAND' FINE \$17,000

Buffalo, Oct. 1. Downtown markers which slipped off sharply toward close of last stanza are continuing to thin down currently.

'Strike Up the Band', at the Buffalo, is the most potent wicket item, and Blackstone, on stage of the 20th Century, looks rosy enough. The rest of the town is toned to low pitch.

Estimates for This Week

Buffalo (Shea) (3,500; 35-40-60)—'Strike Up Band' (M-G). Should beat last week's \$17,000. Last week, 'Public Deb' (20th) and 'Sammy Kaye' (20th), weak \$17,000.

Great Lakes (Shea) (3,000; 35-55)—'Sea Hawk' (WB) (2d wk.). Very droopy \$5,000. Last week \$12,000, way under hopes.

Hipp (Shea) (2,100; 35-45)—'Wyoming' (M-G) and 'Yesterday's Heroes' (20th). So-so \$4,000. Last week, 'Kildare Home' (M-G) and 'Comin' Round Mountain' (Par), another disappointment at \$3,300.

Lafayette (Fayman) (3,500; 30-40)—'Howards Virginia' (Col) (2d wk.) and 'Secret Seven' (Col). Satisfactory second session indicates \$6,500. Last week, with 'West Peppers' (Col), fair \$5,000.

20th Century (Dispos-Basil) (3,000; 30-40)—'Tom Brown' (RKO) and Blackstone on stage. Improved pace should bring nice \$12,000. Last week, 'Hes Her' (WB) and 'Will Osborn' (RKO), fairish \$9,000.

'Westerner', \$4,100, Best in Dull Lincoln

Lincoln, Neb., Oct. 1. 'The Westerner' is getting the eye and the coin this week, topping a town not otherwise exciting. Lincoln, where the Gary Cooper film is housed, is a bit better for the spot to come in with a big gross.

'My Son, My Son' is progressing mildly; the pairing of 'Grand Old Oaken Staff' and 'Sain' (RKO), split with 'Hawaii Calls' (RKO) and 'Triple Justice' (RKO). So-so \$800.

Last week, 'Golden Trail' (Mono) and 'From 'Til' (RKO), split with 'Hes Her' (WB) and 'Laughing at Danger' (Mono), ditto.

Lincoln (Paramount - Cooper) (1,503; 10-25-40)—'Westerner' (UA). Doing very well, maybe \$4,100, even with drop in Saturday prices. Last week, 'Want Divorce' (Par), not so good \$3,300.

Nebraska (Paramount - Cooper) (1,286; 10-25-35)—'Stagecoach War' (Par) and 'Beyon' (RKO), split with 'River's End' (WB) and 'Yesterday's Heroes' (20th). Fair \$1,900. Last week, 'Night Nurse' (WB) and 'Divorcement' (RKO), split with 'Captain

Even Grid Off in Mpls.: 'Correspondent' Good 8G, But 'Brigham' N.G. \$6,500

Minneapolis, Oct. 1. Newest war developments are still another fly in the local boxoffice ointment, aggravating a situation believed to have been made bad by political and conscription uncertainties. However, normal fall weather, the football season's premiere and a husky array of purse-prying attractions are improving conditions somewhat and business is far from hopeless.

Washington-Minnesota football game brought many weekend transients here, livening up the loop. But even the traditionally sure-fire opening gridiron contest, with such a strong attraction this time as Washington for the Gophers' opponent, seems to have suffered from an attendance standpoint the \$5,000 crowd undoubtedly being much smaller than would have been the case in more normal times. Same goes for screen offerings. Most are pullbacks, but not nearly to extent their merits warrant.

Two most important newcomers, 'Private Correspondent' and 'Brigham Young' at the Orpheum and State, respectively, are whiz bangs, copping reviews' and customers' praise, and both will make respectable showings. Two holdovers, 'Boys Town' and 'Rampage, We Watch', have been giving a fine account of themselves. After two smash weeks at the State the first-named has moved over to the Century.

'Brigham Young' (20th), 'Rampage' held 'em out during its entire first week at the Esquire and still is delivering.

Estimates for This Week

Alvin (Hirsch-Katz) (1,400; 29-44-55)—'Sing, Dance' (Rep) and (Continued on page 22)

Name Vaude Ups 'Dulcy' to \$18,000 In Blue Cleve.

Cleveland, Oct. 1. (Best Exploitation: Hipp)

Strand letdown in his felt here particularly during first two days of stanza. A few attributing it to fluctuating weather, but majority blaming it on blue reactions of town over Cleveland Indians' losing, crucial game to Detroit and chances of copping the American League pennant.

Mid-week pickup is expected, nevertheless, particularly by Palace, which has one of its season's strongest bills in 'Dulcy', with Ken Murray, Tito Guizar and Carole Leland topping vaude.

'Howards of Virginia' also managing to get in a good score for Hipp as result of good campaign, library tieups and director Frank Lloyd's visit for preview. State's 'Rhythm on River' is singing a bit offkey, but 'Boys Town' in third frame at Stillman, is still pulling big.

Estimates for This Week

Albee (RKO) (3,000; 30-35-42-55)—'Stayed Breakfast' (Col). Neat \$3,000 for shiftover. Last week, 'Sea Hawk' (WB), third week, fine \$3,500.

Albamba (Prints) (1,200; 10-20-35)—'Girl God's Countess' (Rep) and 'Gambling Seas' (WB). Lots of action both on screen and b.o., going to swell \$3,500. Last week, 'Girl Havana' (Rep) and 'Ragtime Cowboy Joe' (U), three days, mild \$1,500.

Hipp (Warner) (2,700; 30-35-42-55)—'Howards Virginia' (Col). Holding up surprisingly well, \$3,000 promised. Last week, 'Stayed Breakfast' (Col), \$9,000, so-so.

Lake (Warner) (900; 28-40)—'Pastor Hall' (UA) (2d wk.). Holding over, which is unusual for this type. Fair in this area and worth it at \$1,200, after earning nice \$3,000 last week.

Palace (RKO) (3,200; 30-35-42-55)—'Dulcy' (M-G) and 'Ken Murray, Tito Guizar and Carole Leland'. Top Guizar for three-star vaude puller. Excellent \$18,000 if mid-week spurt comes. Last week, 'Dance, Girl' (RKO) and 'Guy Lombardo's orch, good \$17,000.

State (Loew's) (3,450; 30-35-42-55)—'Rhythm River' (Par). Too much music and not enough power; \$10,000 in sight, after slow start. Last week, 'Boom Town' (M-G) or second shot at advanced prices, terrific \$14,000.

Stillman (Loew's) (1,972; 30-35-42-55)—'Boys Town' (WB). Holding along to \$6,000 on hiked admish scale after pushover from State. Last week, 'Kildare Home' (M-G), satisfactory \$4,000.

'Strike Up Band' BIG \$18,000 IN PROVIDENCE

Providence, Oct. 1.

The main stay is the upbeat for a change with the accent on 'Strike Up the Band', at Loew's State, and 'Spring Parade', at RKO Albee. No Time for Comedy, at Majestic, also among the bigger ones.

Ben Bernie's band with Bert Wheeler on stage at Metropolitan for weekend trade not much on draw here.

Estimates for This Week

Albee (RKO) (2,200; 28-39-50)—'Spring Parade' (U) and 'Men Sky' (RKO). Catching on nicely and pacing for strong \$10,000. Last week, 'Dance, Girl' (RKO) and 'Tom Brown' (RKO), fairish \$5,000.

Carlton (Fay-Loew) (1,400; 28-39-50)—'Howards Virginia' (Col) and 'Proctor Country Romance' (RKO). Good \$3,500. Last week, 'Foreign Correspondent' (UA) and 'Golden Fleeing' (M-G) (2d run), good \$3,200.

Fay's (Indle) (2,000; 15-28)—

Minneapolis, Oct. 1.

Newest war developments are still another fly in the local boxoffice ointment, aggravating a situation believed to have been made bad by political and conscription uncertainties. However, normal fall weather, the football season's premiere and a husky array of purse-prying attractions are improving conditions somewhat and business is far from hopeless.

Washington-Minnesota football game brought many weekend transients here, livening up the loop. But even the traditionally sure-fire opening gridiron contest, with such a strong attraction this time as Washington for the Gophers' opponent, seems to have suffered from an attendance standpoint the \$5,000 crowd undoubtedly being much smaller than would have been the case in more normal times. Same goes for screen offerings. Most are pullbacks, but not nearly to extent their merits warrant.

Two most important newcomers, 'Private Correspondent' and 'Brigham Young' at the Orpheum and State, respectively, are whiz bangs, copping reviews' and customers' praise, and both will make respectable showings. Two holdovers, 'Boys Town' and 'Rampage, We Watch', have been giving a fine account of themselves. After two smash weeks at the State the first-named has moved over to the Century.

'Brigham Young' (20th), 'Rampage' held 'em out during its entire first week at the Esquire and still is delivering.

Estimates for This Week

Alvin (Hirsch-Katz) (1,400; 29-44-55)—'Sing, Dance' (Rep) and (Continued on page 22)

'DIVORCE' NICE \$6,600 IN K. C.

Kansas City, Oct. 1.

Biz this week is centered at the Midland, with 'Strike Up the Band' the main reason. On other fronts it's mostly average, or thereabouts.

Uptown and Esquire are creating some notice by playing up 'Baptism of Fire' (20th). 'Rampage' (RKO) has been replayed here after previous date at Orpheum, but these giving more play to 'Baptism of Fire' sequence and getting fair \$6,200. Last week, 'Great Profile' (20th), at Baer-Comiskey, one rounder to bolster its dual bill for fair results.

Estimates for This Week

Esquire and Uptown (Fox Mid-west) (820 and 2,043; 10-28-44)—'Rampage' (RKO). Replayed here after previous date at Orpheum, but these giving more play to 'Baptism of Fire' sequence and getting fair \$6,200. Last week, 'Great Profile' (20th), at Baer-Comiskey, one rounder to bolster its dual bill for fair results.

Midland (Loew's) (4,101; 10-28-44)—'Strike Up Band' (M-G) and 'Secret Seven' (Col). Rooney-Garland duo surefire and b.o. very healthy at \$12,500. Last week, 'Howards Virginia' (Col) and 'West Peppers' (Col), light \$7,000.

Newman (Paramount) (1,800; 10-28-44)—'Want Divorce' (WB). Getting satisfactory \$6,600. Last week, 'Sea Hawk' (WB), second stanza, nice \$4,600.

Orpheum (RKO) (1,500; 10-28-44)—'Money Woman' (WB) and 'Men Sky' (RKO), plus Baer-Comiskey light film added Saturday (28). Lots of film, but only fair \$6,000. Last week, 'Dance, Girl' (RKO) and 'Tom Brown' (RKO), lightweight \$5,000.

Tower (Joffe) (2,110; 10-30)—'Ter Gas Squad' (WB) and 'Dusty Road' (Col). Last week, 'Sing, Dance' (Rep) and vaude, mild \$6,600.

'Mummy's Hand' (U) and 'Tulsa Kid' (Rep). Pulling well into fair \$3,000. Last week, 'Chan Wax' (20th) and 'Colorado' (Rep), fair \$3,200.

Majestic (Fay) (2,200; 28-39-50)—'Night Circus' (WB) and 'Yesterday's Heroes' (20th). Maintaining steady pace and promising nice \$7,500. Last week, 'Brigham Young' (20th) and 'Public Deb' (20th), \$5,000.

State (Loew) (3,200; 28-39-50)—'Strike Up Band' (M-G) and 'Dulcy' (M-G). Looks like house has something to strike up the band for with strong \$15,000, practically all cash. Last week, 'Howards Virginia' (Col) and 'Cross Country Romance' (RKO), okay \$11,400.

Strand (Indle) (2,000; 28-40-50)—'Quarterback' (Par) and 'Earl Fuddstone' (Rep). Lining along for poor \$4,000. Last week, 'Rangers Fortune' (Par) and 'Blondie Servant' (Col), fair \$5,500.

\$4,500, ... up in just half to a swee

Wyn-Mayer—release, of 12	
fiction, Stars Ann Sall	
Hunter, Roland Young, F.	
, Billie Burke, Lynne	
Jr. Directed by S. Sph	
play by Albert Mannheime	
Joseph A. Fields, bu	
George S. Kaufman and	
Charles Lawton; ed	
ll. Previewed at Westw	
26, '40. Running time,	
	Ann Sall
	Ian Hu
	Roland Y
Dyke, Reginald Gard	
es, Billie Bu	
play by	Lynne Ca
	Dan Catle
erson,	Donald B
Guinn "Big Boy" Willi	Jonathan
a.	Hans Con

S. Sylvan Simon maintains a consistently fast pace in direction, neatly admixing the dramatic and comedy passages for a good blending of program entertainment. Wild speedboat episode on the lake, although an oldie from the two-reelers, is new enough for feature utilization to get its share of laughs. Walt.

[illegible]

With the potent Durbin name to marquee dressing, picture will be profitable biz in keys and subsequence. However, it will not measure up to biz of her other films. Two factors militate against the b.o. side. First is transition of the star from her American girl groove; but more important will likely be audience reaction against the display of pre-war Viennese gayety and the grim consciousness of what has actually happened to the people and country in recent years under the iron fist of

Film is provided with class A mounting throughout, Joseph Valentine's photography being of outstanding merit. Sound recording of the musical numbers, and musical direction by Charles Previn are topnotch.

(WITH SONGS)
Hollywood, Sept. 26.
Paramount release of Anthony Veiller production. Features Wayne Morris, Virginia Dale, Lillian Cornell. Directed by E. Bruce Hummerstone. Original by Robert Emmett Dolan. Screenplay by Alma Macrorie; music, Jack Lawrence, Paul Mann, Stephen Weiss, Frank Loesser. Story by Halley Maltin. Produced by Connan. Previewed at Westwood Village. Sept. 26 '40. Running time, 71 MIN.

Bill Jones	Wayne Morris
Kay Merrill	Virginia Dale
John Harrington	Lillian Cornell
"Pop" Williams	Edgar Kennedy
Tommye	Alma Macrorie
Townley	Robb
Tex	Alma Macrorie
Tomlinson	Robb
Slats Finney	Frank Barker

This is Paramount's contribution to the fall gridiron season. Not too important on the entertainment side, picture will fill in as dual supporter aimed for the younger trade.

Picture has trouble in establishing whether it is a direct comedy or a satirical farce on college football. It swings both ways, during the unreeling, and never lights in one particular spot.

Story treats with the experience of twins—one a student aiming for a professorship, and the other good-for-nothing who is a wiz at football. In order to continue his education, the bookworm gets a athletic scholarship on the strength of his brother's gridiron exploits. The girl involved is courted by both youths, and much footage of regulation football games is incorporated. Naturally, the wayward brother returns in time to win the big game in the nick of time, and outwit gamblers who figured everything was tied up to their advantage.

Wayne Morris handles the dual role, with Virginia Dale as the romantic interest. Edgar Kennedy supplies plenty of broad comedy as the operator of the campus jigger shop who continually burns trying to manipulate the twins in and out of classes and games. Lillian Cornell sings two songs as a night club warbler, 'Sentimental Me,' and 'Ours With Your Chest, In With Your Chin.' Alan Mowbray is an absent-minded prof; Jerome Cowan is the gambler; William Frawley, the coach, and Frank Burke, a freshman.

Despite the lightweight yarn, H. Bruce Humberstone directs at a fast pace, and gets some new formation and gags in the football sequences.

'My Irish Molly' (Indie): Maureen O'Hara, Tom Burke and Phillip Reece in a melodious meller of Ireland, fair

In all modesty designed for a market that requires B's, 'I'm Still Alive' is a romantic programmer that deserves—and no doubt will receive—

The picture is the second directorial effort of young Irving Reis, who climbed part way up the ladder in the Columbia (CBS) Workshop series first for RKO as 'One Crowdshow Night,' also a low-budgeter. Ken Taylor and Linda Hayes are the biggest names found in the credits for boxoffice, the latter comparative newcomer. She is a product of the

essie L. Lasky radio promotional
age, and, given the proper material
liable to make tracks that can be
een. She is somewhat on the Garb
side, photographs excellently and
peaks her lines well. Romantically
Miss Hayes is a birdie, but in 'I'm
Still Alive' she doesn't shoot par a
ll times because the story makes
her a little unsympathetic, though it
turns her conveniently and surpris
ngly from a spitfire to a nice little
paw.

Edmund North's yarn also makes Taylor the kind of a guy audience will not weep over because of his death. The main desire to continue the story is the desire to get the wishes. Story deals with the stunter working mainly for films, and a star whom he marries after they have a child. The plot is a great deal of scheduled breakfast which follows the man's arrival to make an apology. While the plot provides the stunter with a great deal of opportunity, the story itself is none too rich in vitamin nor is the dialog by North above the ordinary.

Edward da Silva, a stunt-man who's agreeable, Ralph Morgan, playing a producer with more than the customary polish, and a new day, another stunter, Dillie, may come to improve by being a natural.

Char.

[illegible]

A new marshal arrives in the town of Goliath, Oklahoma territory, to take over where his predecessor failed to draw quick enough against the neighboring outlaws. In addition to his law-and-order duties, there's a family shootin' feud carrying over from the previous marshal.

Victor Jory makes an ideal heavy while Florence Rice is okay as love interest that must find its way into western. Others in the cast include Morris Ankrum, Douglas Fowley

Charlie Chan at the Wax Museum

Marguerite Chapman, Ted Osborn, Directed by Lynn Shores. Original screen play, John Larkin; camera, Virgil Miller; editor, John B. Clark; music, Emil Scroeder; producer, J. S. Sept. 27, 40. Running time, 63 MINS.

Charlie Chan..... Sidney Toler
Jimmy Chan..... Sen Young
Mr. Gurnea..... George E. Stone
Steve McBainoy..... Marc Lawrence
Lily Latimer..... Joan Valerie
Mary Bolton..... Marguerite Chapman
Tom Agnew..... Ted Abner
Miss Gurnea..... Mildred Vernon
Mrs. Rocke..... Hilda Vaborn
Willie Fern..... Charles Wagenheim
Carter Lane..... Archie Twitchel
Inspector..... Edward Mark
Edwards..... Joe Joe
..... Harold Goodwin

As a horrible example of what can ultimately happen to series pictures if they're continued indefinitely, Charlie Chan at the Wax Museum has a certain interest. But it has little other value. If, as reported, this is the last of the series, it's neither surprising nor regrettable. For the picture is a feeble effort which should get playing time only on the strength of its probable series audience.

[illegible]

Gordon and Marc Lawrence give their customary villain performances. The others vary from passable to painfully inept. Direction and production are routine, befitting the ignominious end of a once-popular series.

Hobe,

BEFORE I HANG

Columbia release of Wallace MacDonald's production. Stars Boris Karloff; features Evelyn Keyes, Bruce Bennett, Pedro de Cordoba. Directed by Nick Grinde. Story by Karl Brown, Robert D. Andrews; screen play, Andrews; camera, Benjamin Kline; editor, Charles Nelson; sound, J. S. Westmoreland. At Variety, Lincoln, Sept. 26-30. Running time, 62 MINS.

Dr. John Garth. Boris Karloff
Mrs. Evelyn Keyes
Dr. Ames. Bruce Bennett
Dr. Ralph Howard. Edward Van Housen
Warden. Ben Gage
Sondini. Pedro de Cordoba

Wharton.....	Wright Krame
Barclay.....	Bertram Marburg
McGraw.....	Don Beddo
District Attorney.....	Robert Flisk
Anson.....	Kenneth MacDonald
Kron.....	Frank Richard

camera's running. Edward Van Sloan, who is as much at home in the horror school as Karloff, does nicely as the prison medic, and Pedro de Cordoba's piano fakery is okay.

(WITH SONGS)

Universal production and release. Features John Mack Brown. Directed by Ray Taylor. Original screenplay, Sherman Lowe; songs, Milton Rosen, Everett Carter, Bob Crawford; musical director, Paul Rader; camera, Arthur J. Alton. First dual. Running time, 68 MIN.

Steve	John Mack Brown
Joe	Fuzzy Knight
Helen	Nell O'Leary
Bo	Dick Guy
Mary	Mary Merrick
Virgil	Walter Soderling
Paul	Roy Bancroft
Del	Harry Tenbrook
Cabaret Singer	Viola Venne

Despite some apparent script uncertainty, 'Ragime Cowboy Joe' keeps moving with frequent gun battles, fistie brawls and hard riding, so it holds interest much of the way. Picture also has distinct characters, is well cast and, while some of the plot isn't sufficiently explained, it has listenable musical numbers which are cleverly worked in so as not to retard the story. Opus will do for the neighborhood multiples, which is its obvious aim.

John Mack Brown, the ex-footballer who used to work in Class A features before he shed the head aches for acting in cactus operas, is the he-man investigator who comes to the prairie hamlet to slouth the cattle-rustling and land-grabbing of a gang of murderous varmints. Scripser has seemingly had trouble deciding on which of two beautiful babes. But here would bestow his undying affection. That would appear to be a weakness in the picture, but it isn't too serious, for Brown is pretty thoroughly in the clutches of one of the tremulous maidens at the finale.

Instead of depending on stock-company harmony, the film uses original songs and, by introducing a little comedy and keeping the musical numbers to a minimum, avoids the usual negative effect of the story. One number, "Ooh La La," in one of those typical frontier dives which probably never really existed in real life, is sung effectively by Viola Flynn. Other tunes are "Cross-Eyed-Kate" and "Fuzzy Knight."

Fuzzy Knight is again a befuddled cowboy, Nell O'Day is decorative and impressive as a victimized married woman, and Marilyn Merriek is appealing as the pretty secretary who is about to get her man at the faded-out. Dick Curtis is a properly devious villain, and the others gallop through the picture with comic gusto. Couple of the slug-battles are pips.

Hobt.

(WITH SONGS)
Republic release of Joseph Kane produc-
tion, directed by Kane. Stars Roy Rogers
and George 'Gabby' Hayes. Screenplay
by Norton S. Parker and Olive Cooper; cam-
era, William Nobles; editor, Lester Orle-
bach; musical director, Cy Feuer. Reviewed
in *K* 10/10/40.

Projection Room, N. Y., Sept. 20, 1936	
Running time, 99 MINS.	
Bill Hickok.....	Roy Rogers.....
"Gabby".....	George "Gabby" Hayes.....
"Gus" Mason.....	Jacqueline Wells.....
Nicholas Tower.....	John Miljan.....
Calamity Jane.....	Sally Payne.....
Phillip.....	Archie Twitchell.....
Marshal Evans.....	Monte Blum.....
Morrell.....	Hal Tullifer.....
Mrs. Stout.....	Ethel Waler.....
Red.....	Jack Ingram.....
Majors.....	Monte Montagu.....

presumed that 'Wild Bill' Hickok, according to Republic's screenplay standards, could lilt a tune with an abandon equal to his ability to cock a six-shooter. In 'Young Bill Hickok' cinematic convenience alternately permits Roy Rogers, in the title part,

H'wood Influence a Long-Distance Affair in Argentina's Film Upturn; End of U.S. Duals Would Aid Prod.

By RAY JOSEPHS

Buenos Aires, Oct. 1.
Quickest way to start a row down here—there are as many hecklers as orchid tossers—is to ask about South American films. Divergence of opinion, with all the stops enroute. Chances of going dizzy trying to arrive at an impartial estimate are A-1.

Ten years ago Argentina's film biz was practically non-existent. A few Indies would rope together a group of actors, set up a few lights and with the help of a little luck, a prayer and an enterprising cameraman, grind out something that was supposed to be a motion picture. Such methods were all right for a time. Even when talkers came, the novelty of Spanish-language films brought audiences whose presence was sometimes unwarranted by anything else but a desire to hear their own lingo on the screen.

But the novelty didn't last, and besides, there was increasing competition from Madrid and Mexico City. In the last three years, however, things have picked up. Production is steady. Block booking is the rule. And stars and directors have achieved a status which commands increasing respect, not only from the public but from the banks which have been pretty shy about stacking up pesos. Laboratories are being developed; more and more being spent on bigger and better pix.

Well-timed Help
Current tendency is to welcome help from outside rather than discourage it. The Hollywood influence is present, but it's mostly a long-distance affair for there are few California-trained picture people who speak Spanish. The task of purely technical men is less difficult, but the field is still wide open to those with the qualifications and willing to take a chance.

Most local film people hope for a law, promised by President Roberto M. Ortiz before illness took him away from active duty at the Casa Rosada (Pink, not White, House here), which would require showing of a certain proportion of Argentine films on every bill. Such a measure, passed in England to encourage the appetite for British screen fare, was a real boost to the latter's industry, they point out.

Another hoped-for sign is the growing trend toward eliminating double bills in the States. Should there be fewer films, producers here feel the South American product would have a greater chance. First-run houses in South America all show doubles. Second-run, run-down affairs use triples. As you move down the scale to the nabes four, and even five, pix are not at all unusual. A number of houses in Buenos Aires give the works for 40 centavos, which is less than a dime in U.S. cash. In Chile, Bolivia, Colombia and other poorer countries, the prices are far lower.

Need Banks' Aid
South American films—which means Argentine films—have their little production anywhere else, need more cash from the banks. Most concerns are individual outfits or limited partnerships, usually in the process of reorganization. There are few stock companies. Has its advantages in centralizing control but there are plenty of drawbacks regardless.

Distribution is another big headache. For a long time picture companies have envied the way Hollywood was able to rake in a neat profit from foreign markets. Argentine films, while they get a certain showing in the rest of South and Central America, need the kind of organization the U. S. outfits have. And that means branches everywhere. Hopefully, a number of producers here suggested to this correspondent another tieup with companies from the States. Tried at one time, it failed. Present suggestions have met with little success. Sounded on the idea by VARIETY most said they'd only be competing with themselves.

However, comes the reminder, suppose fewer B's are made in Hollywood? Wouldn't there be a chance then? To which managers here answer: "That's for the home offices to decide."

Few local names have enough b.o.

Argentine Lifts Nix On American Films

Temporary suspension of import licenses for U. S. merchandise, which included films, made by Argentine a few weeks ago has been lifted.

Picture companies in N. Y. claim that the temporary suspension did not halt any shipping of product to Argentine.

DUAL POLICY IN MEX. MAY END

Mexico City, Oct. 1.
Exhibitors see double billing soon going the way of the dodo throughout Mexico because of the increasing prospect of further drops in Hollywood and European output, owing to the war, little chance of home production picking up to the extent of meeting the demand, and general jittery conditions in this republic.

Exhibitors holding off 1941 bookings. They want to see what will happen Dec. 1 when the new president is slated to take charge.

draw outside of Argentina to make much. A central distrib organization or a tieup with U. S. publicity methods, etc., would develop the market. Differences in Argentine Spanish and, say, Mexican Spanish are no greater than that between a Spanish and a Galb there, they spout in Times Square. So far there are no governmental restrictions on shipping between countries. No cultivation of markets either, except in Chile and Uruguay. Brazil is naturally out because they speak Portuguese there. Usually a print is sent to a distrib and if it clicks they make a deal.

Look to States

Local producers also figure they may some day get some sort of market in the States—not only for the entertainment value of the product, but because the increasing interest of the States in South America should create an audience interested in the country, language, customs, etc. Market in Spain, whose picture-making was cut by the civil war, has been growing, but the rest of Cuba will be made available to them in "reasonable" quantities has been virtually set, according to word received in N. Y. last week. Idea of American companies is to expedite distribution as soon as the new regime, headed by President Batista takes office Oct. 10.

The anti-blockbooking decree, which has stalemated distribution, probably will be wiped off the books because distributors have shown so much resentment over it. Distributors said they could not furnish product under the terms of the Presidential decree because it required that titles and casts be provided six months in advance of actual release of a film.

Another big gap in local production—the lack of yarns suitable for filming. Few stories are adapted from books or plays. Originals are the custom. Some directors prefer to write their own scripts and a few still cling to the stunt of starting with a general idea and then improvising dialog and action as they go along. One has a rep of being able to make a pix with two books and a wall. How to get screen-minded writers, trained for the job, is still a big unsolved problem. Custom or having some of the critics write stories doesn't help much. Restrictions on material are few, but the financial angle and the desire to insure returns on the investment has meant that most pix are pure entertainment, not social comment. Emphasis is on musicals, and musicals mean plenty of tangos. French jazz is accepted, but the U. S. type of swing is strictly taboo in films.

ROLAND TOUTAIN ALIVE

French Film Star, Reported Killed in Belgium

Paris, Sept. 23.
Roland Toutain, the French film star, who was reported killed while serving with the army in the Belgium campaign, has turned up safely.

Harold L. Smith, foreign rep of the Hays office, working out of the Paris office, currently in New York, reports that he saw Toutain twice within a period of a week in France during the latter part of June. Toutain had been reported killed May 18.

War Liability Cleared Up On Brit. Theatres; Leases Can Be Broken

London, Sept. 17.
Wised up by recent Nazi bombing attention to cinemas, Cinematograph Exhibitors' Assn. has clarified the liability position between landlord and a tenant over a house damaged by air blitz. Ordinarily, latter is responsible for all repairs, but act passed last year removes him from such liability where damage is strictly one of war's cause.

Exhibitors are advised procedure now is to serve notice on landlord listing extent of damage and await his immediate temporary or permanent repairs. In event bombing has rendered the building totally unfit for exhibs' use, latter can either disclaim or retain his lease rights. Queer double twist here is landlord has power to insist on this decision, and if exhib elects to continue the lease, he then automatically lines himself up for cost of repairs, although freed from rent charges until building is fully restored and in operation. In event of disclaimer move by the tenant, landlord may appeal in the courts for operation, but if court decides with him, then the repair bill reverts to landlord's responsibility, tenant again going rent-free till restoration. Act referred to does not hold true in Scotland.

Cinema trade, incidentally, has a new peeve against the press, rising out of extensive space given to recent bombings of London nabe theaters. Adjacent commercial property damaged in the raids came in for no such treatment. Theatre owners want to know why their biz should be left wide open to an exploitation spelling disaster to attendances.

CUBAN EXHIBS REACH U. S. DISTRIB ACCORD

A tentative agreement between exhibitors and American distributors in Cuba whereby U. S. screen product will be made available to them in "reasonable" quantities has been virtually set, according to word received in N. Y. last week. Idea of American companies is to expedite distribution as soon as the new regime, headed by President Batista takes office Oct. 10.

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Makes Sales Promotional Trailer Covering Mexico's 10-Yrs. of Films

Mexico City, Oct. 1.
A sales promotional trailer for Mexican film production will be the first 'production' of a new company here. Clips from many Spanish language features made in this country since the establishment of a Mexican film industry in 1920 will be spliced into the build-up trailer.

Just now the outlook for Mexican film production is not over-bright due to fear of confiscation or government policies detrimental to business profits. Nevertheless the new firm, Popo Films, has high hopes. Adolfo Fernandez Bustamante, a lawyer, and Fernando Rivero, a film director, are the chief promoters of Popo.

British War Risk Insurance Setup For Film Prod. Becomes Effective; Scheme Applies Only to Features

Mosconas Heads RKO In Eastern Europe

RKO last week named Athanasios Mosconas, who's been in Greece, general manager for Eastern Europe. Will headquarter in Athens.

Antonio Blanco has tendered his resignation as manager for Radio Films, Spain's RKO subsidiary company. Vacancy remains temporarily. Reason for Blanco's quitting is undisclosed.

HARLEY LISTS 6 FOR BRIT. PROD.

London, Sept. 17.
On occasion of 20th Century's annual sales meet here (7), Francis Harley confirmed his company's plans for British production and extended the already-reported list. Over the year, Harley figures on grinding out six features in addition to 'Kippis', all on budgets averaging \$300,000 apiece. Three subjects lined up to follow 'Kippis' are 'Spitfire', air-yarn with Royal Air Force cooperation; 'Pitt the Younger', historical biog; and 'Paddy the Next Best Thing', fave legit of yesterday. Harley indicated nothing short of being blown out of this land will shutter 20th's British production layout.

Michael Redgrave is pencilled in for lead in 'Spitfire'; comedy-team of Basil Radford and Naughton Wayne also believed set. In case of former thesp, leave from military service would be necessary as he has just been called for a commission in his old regiment.

RKO chief for this side, Bill Sistrom, has announced 'The Saint's Vacation', first of its British productions, is getting under way at Denham studios. Paul Stein draws directorial berth.

Plans for second RKO-er to be made here will await completion of 'Saint'. Sistrom ran into talent difficulties with capitulation to Nazi-dom of France, vacating Danielle Darrieux and another star for whom he had read scripts for production in Britain.

Fisher's Army Footage

Hollywood, Oct. 1.

Joe Fisher, Far Eastern exhibitor, on vacation in Hollywood, announced a deal for the U. S. distribution of a 2,000-foot documentary film based on the life and military routine of native troops in Malaya. Picture has the full cooperation of the British government.

Film was produced, directed and recorded by Fisher before he left Singapore for Hollywood.

Lazarus Constantine, formerly sales chief for Paramount in Panama, named manager of Paramount Films of Trinidad, Inc.

Fredman Takes Over

London, Sept. 17.
Ernest Fredman, taking over representation for Samuel Goldwyn and David O. Selznick in England. He's doing this on behalf of his son, who has been called up.

Par's New Aussie H. Q.

Paramount has broken ground for a new \$500,000 office-exchange building in Sydney, Australia. Structure, which will serve as Par headquarters in Down Under operations, will be ready for occupancy early next year.

Long-heralded War Risk Insurance, plan intended to offer safeguards as a come-on to coin investors in British films, has finally been made effective. Government scheme provides producer indemnity against damage to studio, films or injury to specified players rising out of war activity.

Variable premium set by Board of Trade is based on production costs, less allowances for story buys, scripting, sales, financial charges and certain studio overhead. Limit is understood to be a figure able to take care of any picture likely to be made on this side during war. A production listed at \$160,000 will obtain full coverage for around \$4,000.

Scheme thus far applies only to full-length features, brief-makers being left out in the cold on grounds of impracticability of applying it to their production setup. Short Films Society will appeal to Board of Trade for inclusion of, at best, consideration.

Indie producers voice a pretty widespread satisfaction with the scheme, although some comment on amount of premium charge. General opinion is insurance will act as a boost to investment chances.

Brief-makers here, through their assn., have carried the recognition fight to Government's propaganda bureau in an effort to get a place in the short-making sun. Their petition to Ministry of Information calls for representation on the controlling board of the ministry; with this under their belt, group hopes to divert some of the M. of I. shorts 'the right way'.

In the main, propaganda series are currently turned out by feature studios.

INFO BUREAU PLACATES EXHIBS ON 16 MM. PIX

London, Sept. 17.
Meeting growing rumble of complaint from provincial exhibs, films division of Ministry of Information has released full details of traveling units government will use this winter on a national scale. M. of I. assures exhibs there will be no competition to local houses in the territories visited. Propaganda, 16 mm. stuff is just that, not theatrical footage, it claims.

Fifty traveling units will concentrate on spreading the message via clubs, societies, etc., while 100 projectors will go into libraries and other suitable halls of learning. These projectors will carry no fixed crew, arrangements being left to local organizations for actual screening.

Nazi U-Boats Take Toll On U. S. Pix Shipped Over

Increased number of merchant ships sunk by Nazi U-boats is beginning to be felt by American film distributors. Because of the setup which permits U. S. companies to ship only lavender prints (duplicates of the master negative) to Great Britain, the loss of a print largely represents only actual cost of one print and the delay caused in supplying another one. American distributors send one good lavender to London, and then print the required number of positives from it.

Metro lost a print several weeks ago, and nearly every major has suffered similar inconveniences because shipments are made in British boats to great extent. One independent distributor is reported to have lost a master negative during the last 10 days.

Reisman to Rio

Phil Reisman, RKO's foreign chief, presently on route to Rio de Janeiro from Buenos Aires, being due at the Brazilian capital today (Wednesday) on his present Latin-American tour of inspection. Reisman will remain in Rio until the latter part of this month to preside at the convention for Brazil salesmen.



LEO, JR. MAKES BIG ONES OUT OF LITTLE ONES!

Here's His M-G-M Shorts Line-up For 1940-41

6 CRIME DOES NOT PAY—(Two-Reels) Timely, thrilling dramatizations, several based on nationally important racket investigations currently in the news, all produced with higher production budgets than average independent "B" features!

14 PETE SMITH SPECIALTIES—M-G-M's amusing and amazing sound-track wit and "unseen star" presents his own inimitable collection of credos and curios, and sundry human interest material highlighted with humor.

9 PASSING PARADE—John Nesbitt's extraordinary presentation of ordinary events pass in fascinating review. An excitingly NEW idea in short subjects--interesting as life itself!

10 MINIATURES—Significant documentaries of topical interest including Carey Wilson's absorbing "What Do You Think?" excursions into mental phenomena and the psychic unknown!

9 OUR GANG COMEDIES—For 20 years audiences have enjoyed the capers of this group of typical American youngsters. Now they're better than ever!

12 FITZPATRICK TRAVELTALKS—In Technicolor. Patrons will find a world of entertainment in next season's star-spangled panorama of the United States and America!

18 M-G-M CARTOONS—In Technicolor. Highly imaginative and thoroughly delightful animated drolleries created by Hugh Harman and Rudolph Ising and other cartoon geniuses.

104 ISSUES NEWS OF THE DAY—A real NEWS reel, now more than ever, with the largest camera and editorial staff in its brilliant history. Featuring JOHN B. KENNEDY'S *Front Page*, BILL STERN'S *Sports Page*, ADELAIDE HAWLEY'S *Womens Page*!



EXTRA SPECIAL!

Introducing the Sensational Stroboscopic photography in
PETE SMITH'S

"QUICKER'N A WINK"

As usual it is M-G-M that breaks away from the routine! For the first time, action too fast for the human eye caught in "frozen motion" by Stroboscopic photography at the rate of 2,000 individual pictures per second. Most sensational development since sound!



EXTRA SPECIAL!

Introducing the Improved successor to Audioscopix—
M-G-M's NEW METROSCOPIX

'THIRD DIMENSIONAL MURDER"

How the public shrieked and laughed at M-G-M's Audioscopix Shorts. Now we bring them the new Metroscopix, vastly improved. A mystery melodrama in third dimension that will lift audiences out of their seats with excitement.

Advance Production Chart

Although several of the major studios have been more or less inactive for the past few weeks as far as production is concerned, most of the lots are rushing the 1940-41 product. To date, a total of 121 of the new season's crop had been completed, with 39 more shooting. Pictures in cutting rooms total 88, leaving a balance still to be made of 369.

Columbia

	Prom- ised	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Features	16	3	3	2	3
Westerns	16	0	0	0	0
Serials	4	0	0	0	0
Totals	64	13	3	2	3

Pictures in cutting rooms or awaiting release:

PINTO KID, western with songs; prod., Leon Barsha; dir., Lambert Hillyer; orig. screen play, Fred Maynor; camera, George Meehan; Cast: Charles Starrett, Lenore Currie, Sons of the Pioneers, Paul Sutton, Hank Bell, Jack Rockwell, Bob Nolan, Tim Spencer, Ben Taggart, Ernie Adams, Francis Walker, Dick Botiller.

SO YOU WON'T TALK, formerly **CLAY PIGEON**, comedy; prod., Robert Sparks; dir., Edward Sedgwick; orig. screenplay, Ragsdale Flourney; camera, Alan Seitz; Cast: Joe E. Brown, Frances Robinson, Vivienne Osborn, Bernard Nedell, Tom Dugan, Dick Wessel.

THUNDERING FRONTIER, western; asso. prod., Jack Fier; dir., D. Ross Lederman; screen play, Paul Franklin; camera, George Meehan. Cast: Charles Starrett, Iris Meredith, Ragsdale Flourney, Alex. Callan, Carl Stockdale, Fred Perry, Bob Nolan, John Tyrrell, Francis Walker, John Dilson.

OUTLAWS OF THE PANHANDLE, formerly **BLAZING THE OKLAHOMA TRAIL**, western; asso. prod., Jack Fier; dir., Sam Nelson; no writing credits; camera, George Meehan. Cast: Charles Starrett, Francis Robinson, Sons of the Pioneers, Alan Seitz, Brown, Richard Fiske, Bob Nolan, Tim Spencer.

ARIZONA, western drama (1939-40); prod.-dir., Wesley Ruggles; screen play, Claude Binyon; original by Clarence Budington Kelland; camera, Joseph Walker. Cast: Jean Arthur, William Holden, Warren William, Porter Hall, Paul Harvey, Regis Toomey, Edgar Buchanan, George Chandler, Emmett Lynn, Uvaldo Valera, Earl Crawford, Colin Tanley, Byron Foulger, Wade Crosby, Syd Saylor, Jules Cowles, Ralph Peters, Frank Darien, Nina Campano, Frank Hill, Earl S. Dewey, William G. Lomax.

NOBODY'S CHILDREN, drama; asso. prod., Jack Fier; dir., Charles Barton; no writing credits; camera, Ben Kline. Cast: Edith Fellows, Lois Wilson, Lillian West, Billy Lee, Janet Chapman, Cynthia Crane, Walter White, Georgia Caine.

BEYOND THE SACRAMENTO, formerly **GHOST GUNS**, western; asso. prod., Leon Barsha; dir., Lambert Hillyer; no writing credits; camera, George Meehan. Cast: Bill Elliott, Evelyn Keyes.

BLONDE PLAYS CUPID, formerly **BLONDE GOES TO THE COUNTRY**, comedy; asso. prod., Robert Sparks; dir., Frank Strayer; screen play, Richard Flourney, Karen DeWolf; camera, Henry Freulich. Cast: Penny Singleton, Arthur Lake, Larry Simms, Danney Mummett, Daisy.

GIRLS UNDER 21, formerly **THE LITTLE PROFESSOR**, drama; asso. prod., Ralph Cohn; dir., Max Noffke; no writing credits. Cast: Paul Kelly, Rochelle Hudson.

GHOST GUNS, western; asso. prod., Leon Barsha; dir., Lambert Hillyer; no writing credits; camera, George Meehan. Cast: Bill Elliott, Evelyn Keyes.

PASSAGE WEST, melodrama; asso. prod., Samuel Bischoff; dir., John Brahm; orig. story, Sidney Biddell and Frederick Frank; screen play, P. J. Wolfson; camera, Frank Planer. Cast: Pat O'Brien, Constance Bennett, Edgar Buchanan.

REVENGE OF THE LONE WOLF, formerly **ALIAS THE LONE WOLF**, melodrama; asso. prod., Ralph Cohn; dir., Sidney Salkow; orig. screen play, Earl Felton and Sidney Salkow; camera, Barney McGill. Cast: Warren William, Frances Robinson, Eric Blore.

THE WILDCAT OF TUCSON, formerly **THE ROUNDUP**, western; asso. prod., Leon Barsha; dir., Lambert Hillyer; no writing credits; camera, George Meehan. Cast: Bill Elliott, Walter Taylor, Evelyn Young.

Columbia Pix in Production

THIS THING CALLED LOVE, comedy; asso. prod., William Perlberg; dir., Alexander Hall; no writing credits; camera, Joseph Walker. Cast: Rosalind Russell, Melvyn Douglas, Binnie Barnes, Gloria Dickson, Allyn Joslyn, Lee J. Cobb, Joan Storm.

ELLY QUEEN, formerly **JOHN BRAUN'S BODY**, drama; LARRY DARMOUR; direction, dir., Kurt Neumann; orig., Elly Queen; screenplay, Eric Taylor; camera, James L. Brown, Jr. Cast: Ralph Bellamy, Margaret Lindsay, Charles Grapewin, James Burke, Marsha Hunt, Michael Whalen, Katharine DeMille.

Metro

	Prom- ised	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Features	50-52	10	5	5	37
Totals	50-52	10	5	5	37

Pictures in cutting rooms or awaiting release:

ESCAPE, drama; producer, Lawrence Weingarten; director, Mervyn LeRoy; from novel by Ethel Vance; camera, Robert Planck. Cast: Norma Shearer, Robert Taylor, Nazimova, Felix Bressart, Paul Lukas, Bonita Granville.

STARS LOOK DOWN, drama; produced in England; original by A. J. Cronin; director, Carroll Reed. Cast: Emlyn Williams, Margaret Lockwood, Michael Redgrave.

THE PHILADELPHIA STORY, drama; asso. prod., Joseph L. Mankiewicz; director, George Cukor; orig. story by Philip Barry; screenplay, Donald Ogden Stewart; camera, Joseph Ruttenberg. Cast: Katherine Hepburn, Cary Grant, James Stewart, John Howard.

THIRD FINGER, LEFT HAND, comedy; drama; asso. prod., John W. Considine; dir., Robert Z. Leonard; orig. screenplay, Lionel Hauser; camera, George Folsey. Cast: Myrna Loy, Melvyn Douglas.

BULLABOOL, asso. prod., Louis K. Sid-
ney; dir., Edwin L. Marin; orig. screen play, Nat Perlia

RKO and 20th-Fox lead in production activity currently, with eight pictures in work at each studio. Metro has five, although putting nothing in production since Sept. 6. Monogram had no production activity last week, but is scheduled to get into swing this stanza. Greatest number of films in a cutting room is at Universal where 21 are being edited. Paramount follows with 18 and Warners have 13 being readied.

and Dorothy Yost; camera, Charles Lawton. Cast: Frank Morgan, Billie Burke, Virginia Grey, Ann Morris, Leni Lynn, Sara Haden.

BITTER SWEET, musical; asso. prod., Victor Saville; director, W. S. Van Dyke; novel by Noel Coward; screen play, Lesser Samuels; camera, Oliver Marsh. Cast: Jeanette MacDonald, Nelson Eddy, Paul Lukas, Fay Holden, Edward Ashley, Lynn Carver.

LITTLE NELLIE KELLY, musical; asso. prod., Arthur Freed; dir., Norman Taurog; orig., George M. Cohan; screen play, Jack McGowan; camera, Ray June. Cast: Judy Garland, George Murphy, Charles Winninger, Douglas McPhail.

COMRADE X, melodrama; asso. prod., Gottfried Reinhardt; dir., King Vidor; screen play, Ben Hecht and Charles Lederer; camera, Joe Ruttenberg. Cast: Clark Gable, Heddy Lamar, Sigmund Ruman, Vladimir Sokoloff.

DR. KILDARE, No. 6 (working title), drama; GO prod.; dir., Harry Beaumont; original screen play, Max Brand; camera, John Seitz. Cast: Lionel Barrymore, Lew Ayres, Robert Young, Laraine Day, Samuel S. Hinds, Emma Dunn.

FLIGHT COMMAND, meller; asso. prod., J. Walter Rubin; dir., Frank Borzage; original by Com. Harvey S. Haislip and John Southern; camera, Hal Rosson. Cast: Robert Taylor, Walter Pidgeon, Ruth Hussey.

GALLANT SONS, formerly **FIGHTING SONS**, drama; asso. prod., Frederick Stephani; dir., George Seitz; no writing credits; camera, Sidney Wagner. Cast: Jackie Cooper, Gene Reynolds, Ian Hunter, Bonita Granville, June Preisser, Edward Ashley, Hal Patrick.

GO WEST, comedy; asso. prod., Jack Cummings; dir., Eddie Buzzell; no writing credits; camera, Leonard Smith. Cast: Marx Bros., John Carroll, Walter Wolf King.

Monogram

	Prom- ised	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Features	36	5	0	1	30
Westerns	24	1	0	0	23
Totals	60	6	0	1	53

Pictures in cutting rooms or awaiting release:

DRUMS OF THE DESERT, meller; asso. prod., Paul Malvern; dir., George Wagner; screen play, Dorothy Reid; Joseph West; camera, Fred Jackman, Jr. Cast: Lorna Gray, Ralph Byrd.

SIX-SHOOTING SERENADE, western; prod., George Weeks; dir., Roy Luby; orig., George Plympton; adaptation, Oliver Drake; camera, Ed Linden. Cast: Roy Corigan, John King, Max Terhune, Lita Conway, Roy Barcroft, Jack Rutherford, Tom London.

THE OLD SWAMPING HOLE, comedy; drama; asso. prod., Scott Dunlap; dir., Robert McGowan; orig. by Jerry Breitling; screen play, Dorothy Reid; camera, Harry Neumann. Cast: Jackie Moran, Marcia Mae Jones, George Cleveland, Theodore Von Eltz.

Paramount

	Prom- ised	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Studies	33	14	4	14	13
H. Sherman	2	0	0	0	1
Morris-Sullivan	2	0	0	0	1
G. Markey	1	0	0	0	1
Totals	45	18	4	19	20

Pictures in cutting rooms or awaiting release:

DANCING ON A DIME, drama; GMO production; director, Joseph Seitz; script, Maurice Rapf, Anne Morrison Chapin, Allen Rivkin; based on story by Jean Lustig and Max Kolpe; camera, Charles Lang. Cast: Robert Paige, Peter Hayes, Eddie Quillan, Frank Jenks, Grace McDonald, Virginia Dale, Carol Adams, Lillian Corn, William Frawley, John Galt, Philip Terry, Tom Collins, George Meader, Charles Lane, James Flavin, Jerry Fletcher, Frank C. Shannon, Snowflake, Russell Collier, Fred Sealley, Jack Kenny, Fay Helm, A. S. 'Pop' Byron, Herbert Vigoron.

TEXAS RANGERS RIDE AGAIN, formerly **TEXAS**, drama; GMO production; director, James Hogan; script, William R. Lippman and Horace McCoy; camera, Archie Stout. Cast: John Howard, Ellen Drew, May Robson, Broderick Crawford, John Miljan, Charley Grapewin, Anthony Quinn.

NORTHWEST MOUNTED POLICE, meller in Technicolor; producer-director, Cecil B. deMille; asso. producer, William H. Pine; asso. director, Arthur Rosson; original screen play, Alan LeMay, Jesse Lasky, Jr. and C. Gardner Sullivan; camera, Victor Milner, Duke Greene, second unit, Dewey, Wigley. Cast: Gary Cooper, Madeleine Carroll, Paulette Goddard, Preston Foster, Robert Preston, George Bancroft, Akim Tamiroff, Lynne Overman, Francis McDonald, Montagu Love, Lon Chaney, Jr., Regis Toomey, Walter Hampden, Jimmy Dewey, Jimmy Dundee, Gene Chandler, Weldon Heyburn, Ethan Laidlaw, Ralph Byrd, Douglas Bates, John Beach, John Hart, Ted Mapes, Kermit Maynard, Wiley Reld, Jr., Phil Terry, Jack Lunden, Bud Geary, Eric Alden, Robert Ireland, Larry Lawson, Rod Cameron, Jack Pennick, Steve Caruthers, Jack Chapin, Emory Parnell, Ed Brady, Dick Rush, Walter Shumway, Davidson Clark, George E. Stone, Ean Thomas, Norma Nelson, Eva Puig, George Regas, Alphonse Martel, Ameda Lambert, Chief Big Tree, William H. Beaman, Ted Oliver, Colin Tapley, Douglas Kennedy, Richard Denning, Robert Ryan, James Flavin, John Merton, Earl Askam, Nestor Paiva, Harry Semels, Harry Vejar, Tony Patton, Tony Merlo, Constant Franke, Fred Malatesta, Pedro Armida, Rod Cameron, Irene Colman, John Laird, Jack Rutherford, Jim Pierce, Donald Curtis, Russ Clark, Bob St. Angelo, Albert Pollet, Tony Martelli, Delmar Costello, Louis Natheaux, Clay De Roy, Dave Dunbar, Dutch Hendrian.

(Continued on page 18)

Pa. Censors Upheld on 'Ramparts' Ban; Court Nixes 'Newsreel' Plea

Up in the Saddle, Men

Hollywood, Oct. 1. 'Riders of Death Valley,' a super sagebrush serial swarming with film names, hops into the saddle next week at Universal, with 13 two-reel chapters in the offering. Lined up for top spots are Buck Jones, Leo Carrillo, Dick Foran, Charles Bickford, Noah Beery, Jr., Big Boy Williams and Nan Grey. Producer is Henry MacRae, with Ford Beebe and Ray Taylor co-directing.

NEW THEATRE IN TOLEDO CENTRE

Toledo, Oct. 1. New \$500,000 building development on West Central avenue at St. Bernard, in suburban Toledo, will include a theatre seating 1,700 persons, 16 stores and a bowling alley. The park-and-shop development will include a paved and lighted parking area to accommodate 500 automobiles.

Though details were not disclosed, it was understood one of the largest theatre chains in the country will operate. Completion of the work is scheduled for Feb. 1, 1941. Bryden-Michigan Building Co., composed of Cleveland investors, is building the development.

500-Seater in Wells, B. C. A new theatre, the Prince George, is being erected at Wells, B. C., capacity 500. Owner L. Graham.

Bryant's Pix Spartanburg, S. C., Oct. 1. Pix, Robert E. Bryant's new Rock Hill, S. C., house completed and formal opening held Sept. 30. Larry Waters named manager of Carolina, Charlotte.

Elk Rapids, Mich., New One Detroit, Oct. 1.

Containing many features for small town house, the New State has opened in Elk Rapids, Mich., operated by E. C. Loomis. In a town of only 615 inhabitants, theatre has fluorescent lighting, 'black light' aisles, plastic wall fixtures, extensive marquee and latest type of sound and projection equipment.

Hanbury

Continued from page 3

direct hit on the Hanbury dwelling, about 15 miles outside of London.

Hanbury, who was 49, was also chairman of the board for RKO-Radio Pictures, Ltd. Directors met Monday (30) to pick his successor.

Hanbury was born in Ballarat, Australia. He started in the film business as branch manager for the Stoll Film Co., subsequently becoming general manager. He also was general manager for Welsh Pearson Film Co. and left that outfit to become branch supervisor for Metro in Great Britain.

Sol Newman persuaded him to join RKO in England while the former was general manager. Hanbury went in as general sales manager in Great Britain, becoming general manager upon Newman's death in 1934. He held this position until 1936 when named managing director and chairman.

Hanbury was among the foreign executives who visited New York last spring for the annual domestic sales convention.

English home of Steven Pallos, Alexander Korda's eastern representative, has been damaged by bombing, according to a cable received by Pallos in New York Friday (27). Pallos was an associate of Korda in England and recently came to this country to assume the New York rep post and also to look after some of his own film interests.

Pallos' home was in Fulmer, Bucks, England, about 20 miles from London and two blocks from the Denham studios, where Gabriel Pascal is now working.

Philadelphia, Oct. 1. Pennsylvania's censor board's ban on the March of Time's 'Ramparts We Watch' was unanimously upheld by the three judges of the court of common pleas here today (Tuesday). Court declared that the film, with its sequences taken from the Nazi-made propaganda picture, 'Baptism of Fire,' was 'inflammatory and detrimental to the American way of life.'

Judges, in a 10-page opinion, declared they failed to see abridgement of 'freedom of speech,' of which attorneys for MOT accused the censors. Time contended that the film was a newsreel and thus not subject to gauding by the official body.

(Louis de Rochemont, producer of MOT, declared in New York that the Pennsy decision would be immediately appealed to a higher court. He declared:

'(The Pennsylvania judges have read reverse English into our whole purpose of including the 'Baptism of Fire' sequences. They have taken it per se, instead of seeing the reason it was put in—to show American audiences the type of propaganda Hitler uses so they will be forewarned against it. They have completely failed to note that we have changed the original German commentary and have also put commentary around the 'Baptism' footage to bring out how insidious the German propaganda is. There's something much more behind their unwillingness to look at it in that way than appears on the surface.'

Testimony in the suit brought by MOT and RKO, the distributors, was heard last Thursday (26).

Special Preview

The hearing was held two days after the jurists attended a special preview at the censors' screening room. At the end of a two-hour argument by opposing counsel, Judges Howard A. Davis, Raymond MacNeill and Byron A. Milner left no doubt that they agreed with Mrs. Edna Carroll, chairman of the censors body.

William Clarke Mason and Sidney L. Krause, attorneys for Time and RKO, struck the first snag when they sought to contend that the added reels taken from the Nazi film 'Baptism of Fire' (which caused the ban) were newsreels and under the law didn't come under the jurisdiction of the censors.

'Is that news?' asked Judge MacNeill. 'The invasion of Poland took place more than a year ago. My conception of news is something that's current.'

Mason tried to call a witness to place in the record the fact that the film was passed by censors in every state in which there is one. Judge MacNeill interrupted to say:

'We have nothing to do with other boards. We have enough on our hands with the Pennsylvania censors.'

Major Point Is Technical

As Mason made his final plea, Judge MacNeill remarked:

'You haven't proved that the censors exercised an abuse of their discretion, and that's the only point we're concerned with.'

On Tuesday night the much-buffed film took another kicking when a special private showing before high Army and Navy officials at the Navy Yard was cancelled without explanation.

The film was banned last Wednesday (18) the day it simultaneously opened at the Senate, Harrisburg, and Park, Reading. Mrs. Carroll said at the time that the film would 'intimidate young men facing conscription.'

Censors Blinded in Pitt

Pittsburgh, Oct. 1.

Looks like Pennsylvania pix censors ploughed into a load of trouble when they banned inclusion of 'Baptism of Fire' reel from March of Time's 'Ramparts We Watch.' Editorial opinion locally has been blistering, and guardians of state's morals in the cinema have been branded incompetent and foolish. In the past, potshots have been taken at the censors in the film columns from time to time, but this is first time that the front newspaper editors have ever taken cognizance of board's actions.

'Ramparts' was screened in its entirety here last week for publishers of three Pittsburgh dailies—Post-Gazette, Press, and Sun-Telegraph—and followup was a hot spanking generally for the censor board.

This Year's



Super box-office all the way, in one of the finest dramas ever to come out of Hollywood!...Inspired performances, great story, superb direction, magnificent production—*IT'S THIS YEAR'S OUTSTANDING PICTURE!*

Carole

LOMBARD •

in "*They Knew What*

DIRECTED BY GARGAN
with WILLIAM GARGAN • HARRY CAREY • FRANK FAY

SPECIAL WORLD PREMIERE

Great Drama!

Daring!
Exciting!
Sensational!



Charles

LAUGHTON

at "They Wanted"

PERSON KANIN

HARRY E. EDINGTON, Executive Producer • Produced by ERICH POMMER • Screen Play by Robert Ardrey • From the Pulitzer Prize Play by Sidney Howard



SAN FRANCISCO, OCTOBER 8TH!

Opening Radio City Music Hall and other important key cities October 10th

Advance Production Chart

DEBUTANTE, INC., rom. drama; asso. prod., **Gl**
(Continued on page 20)



94 ENGAGEMENTS

94 RECORDS

GOLDWYN

COOPER

"The WESTERN"

\$401,555 GROSS IN 4 DAYS-WOW!

... starting with the world premiere in Fort Worth and continuing in its first 94 engagements, first four days of national playing time took in this smash-bang figure, hitting from 145% to 350% of box-office averages!

Sensational Business throughout Texas reported from the INTERSTATE CIRCUIT and the JEFFERSON AMUSEMENT COMPANY!

And NOW sensational business in LOEW theatres everywhere!

Released thru UNITED ARTISTS

Directed by William Wyler

Jr. Getting a H'wood Break; Lefty Thinks Aggie's Gone Stage-Mama

By Joe Laurie, Jr.

Coolacres, Cal., Oct. 1.

Dear Joe:

Well, the picture folks that were here last week on location have left town and now the natives are trying to return to their own subnormal selves. Having a lot of picture actors in town and seeing them actually making pictures sure has made the yokels picture-conscious; now my house is half-full. They're not going to quarantine me for having congested aisles.

It seems the only things folks are interested in these days is politics, war and conscription. Which reminds me of the last war when plenty of us vaudevillians joined Pershing's Circuit. I remember when we were over there, one guy who was a headline comedy acted asked our captain to put him in the "next-to-closing" trench.

It seems everybody nowadays wants to learn a trade. When this war blows over we will have millions of mechanics, but it will take more than mechanics to repair the world's machinery.

McNamara, the director of the picture they took here, must have received the corkscrew to the city from our mayor, and boy did he get stinko after the last day of shooting. You could distill his mustache. But just before he leaped off the wagon he took a great fancy to our Junior and wants him to come to Hollywood for a kid picture he is gonna do. Of course, knowing these kinda guys I as a rule don't pay attention to what they say, but this McNamara guy is the only one who's been talking and drinking seriously and sincerely, and a nice guy and does his talking and drinking seriously and sincerely, and I also figured a man that comes hundreds of miles to use a certain tree and sets his mind on Junior for a picture is the kind of a guy that won't take anybody else, not even Shirley Temple.

The next day after the troupe left I caught Junior taking the cans outta my projection room, and when I asked him what the idea was, he said, "Daddy, I'm learning how to steal a picture," which handed me a big laugh. But like an audience in Maine I didn't show him that I thought it was funny, because kids are like a lot of comedians; once they get a laugh, they keep trying to get another which wears people out.

Aggie and me sat up half the night talking it over whether we should let Junior start out on a career at his age. It's a shame to deprive a kid like that out of a real home life, school and playing with children his own age who are not worried about their income tax. Then we talked about a lot of show folks like George M. Cohan, Elsie Janis, Madge Evans, Jackie Coogan and others who started in the show business when they could step out of the tray of a Taylor trunk, and they turned out to be swell human beings with good sense and kind hearts. So we decided as long as the kid has talent he may as well use it to make folks happy and start pling up annuities for himself in case vaudeville don't come back when he is of age.

Just Can't Win

The big argument was who should chaperon and manage the kid, me or Aggie. We finally tossed for it and I won 2 outta 3, then 5 outta 8, finally 8 outta 10, but it didn't do me no good. Aggie decided it was her place to sacrifice herself for the boy, and it would be better for me to stay here and not get a kid with talent and put her in Hollywood, where she can't change her; it's like trying to fill in the Grand Canyon. So she bought enough clothes for Junior to dress all the refugee kids in the world, and she didn't overlook herself either in the line of clothes. It took three of us to close her trunk. I said, "Aggie, what's the idea, it ain't you that's going in pictures, it's Junior?" And Aggie sez, "When me and you did our act in vaudeville we were always known for our classy wardrobe and scenery. This kid has the greatest talent of any kid in the world, and when the big typhoons in Hollywood look him up and then at me I don't want 'em to say that the kid's 'back drop' is lousy. It's all a case of bluff. We gotta do this thing right. Instead of throwing one bluff I'm gonna make it a double feature. There's nothing too good for our boy."

So long as the clothes were already bought I said, "Okay, Aggie." But in my heart I'm afraid. I know Aggie has a lot of good common sense, but when you give a kid with talent and put her in Hollywood, then they'll use all the sense they may have. So I am praisin' that everything will be okay, and that she don't start all her sentences with "My kid is the greatest...etc., etc," because that's the voice of a stage mama, a species of human that caused almost as much trouble in the world as Hitler.

That's about all. Be sure and toss a nod towards the mob for me, sez Your pal, Lefty.

P. S.—Herbert Levy sez, "Did you notice that the girl that is classy shocked is always around when anything shocking happens?"

List Squawks

Continued from page 5

that Rep is obligated to deliver all pictures or none released after June 30 last. The squawk has been officially registered with the distrib. Protest has been made to U because "Spring Parade" was withheld from the 1939-40 schedule and goes out instead as a new season's (1940-41) release. William A. Scully, J.'s general sales manager, takes the position that the company released its full quota of 40 features sold on the '39-40 season; also that there were production delays on "Spring Parade."

There also has been some complaint about U allocation; it is stated. Information is that the local branch manager for U has definite authority wherever an improper allocation has been made to re-allocate the picture in a bracket suitable to the theatre in question and to make whatever adjustments are necessary.

The only manner in which Metro figures to date relates to the policy of the company in getting dates for released admissions. Allied asks that exhibitors who have shown "Boom Town" at increased prices to advise as to how it fared in comparison with other good attractions shown at regular prices.

This is of vital importance to every exhibitor; it is declared, there is a tendency on the part of the distributors to force exhibitors to raise prices on some of the top pictures.

Readers Guild

Continued from page 7

readers of literary material for major studios. VARIETY has pointed out the paradox of a reader being paid as little as \$3 for the opinion on which may depend the fate of a \$1,000,000 production.

Although all of the story heads are sympathetic with the plight of the readers, whose average earnings are \$18 to \$20 a week, they bring up the fact that while good readers are hard to get there is no shortage at the rates paid. They maintain that no more competent readers than now employed can be obtained at any price, so studio heads ask "Why pay more?"

Story eds are all of the opinion the readers should get higher fees and would if the choice were theirs. They point out that nine times out of ten producers and directors refuse to read a book themselves, but make their decision on purchasing it entirely on the synopsis made by the reader. In bringing out the picture qualities of a book often sells it, it is said.

On the other hand, eds bring up the point that readers often make their entrance into the film industry through their jobs. They learn what the companies want and the essential writing and not too infrequently progress to good berths via their contacts and knowledge. Many also merely use the occupation as a stop gap while waiting or preparing to do something else, eds say.

Advance Production Chart

(Continued from page 18)

Reid; dir., Frank Woodruff; screen play, Jerry Cady; camera, Nick Musuraca. Cast: Kay Francis, James Ellison, Mildred Coles, Nigel Bruce, Margaret Hamilton, George P. Huntley, Katherine Alexander, Charles Quigley, George Carroll.

THREE GIRLS AND A BOY, comedy; Harold Lloyd, prod.; dir., Hal Roach; no writing credits; camera, Merritt Gerster. Cast: George Murphy, Lucille Ball, Edmond O'Brien, George Cleveland, Kathleen Howard.

Republic

	From- Issued	Com- pleted	Shoot- ing	New Cutting	To Be Shot
Features	25	6	1	4	25
Westerns	1	1	1	1	1
Serials	4	1	1	1	1
Totals	62	12	3	9	46

Pictures in cutting rooms or awaiting release: TULSA KID, western; producer-director, George Sherman; no writing credits; camera, John MacBarnie. Cast: Don "Red" Barry, Luana Walters, Noah Beery, David Durand.

KING OF THE ROYAL MOUNTED, serial; asso. prod., H. S. Brown, Jr.; co-dirs., Jack English, Wm. Witney; no writing credits; camera, Wm. Nobles. Cast: Allan Lane, Herbert Rawlinson, Bob Kellard, Lita Lane, Robert Strang, Bryant Washburn, Harry Cording.

MELODY AND MOONLIGHT, comedy-drama; asso. prod., Robert North; dir., Joseph Santley; orig. story, David Silverstein; screen play, Bradford Ropes; camera, Ernie Miller. Cast: Johnny Downs, Jane Frazee, Barbara Jo Allen (Vera Vague), Mary Lee, Jerry Colonna, Jonathan Hale, Claire Carleton, Frank Jenks, The Kidnappers.

FRONTIER VENGEANCE, western; asso. prod., Eddy White; dir., Nate Watt; orig. story, Bennett Cohen; screen play, Bennett Cohen and Barry Shipman; camera, Reggie Lanning. Cast: Donald Barry, George O'Farmer, Jr., Ivan Miller, Betty Moran, Grif Barnett, Edna Pickard, Lee McDonald, Yakima Canutt, Fred Toones, Jack Lawrence, Matty Roubert.

YOUNG BILL HICKOK, western; asso. prod., dir., Joseph Kane; orig. screen play, Norton E. Parker; camera, Bill Nobles. Cast: Roy Rogers, George Hayes, Jacqueline Wells, Sally Payne, John Miljan, Hal Taliaferro, Archie Twitchell, Jack Ingram, Monte Blue, Monte Montague, Fred Burns.

HIT PARADE, musical; asso. prod., Sol C. Siegel; dir., John H. Auer; orig. screen play, Bradford Ropes, F. Hugh Herbert, Maurice Lee; camera, Jack Martia. Cast: Frances Langford, Kenny Baker, Mary Band, Hugh Herbert, Ann Miller, Patsy Kelly, Borah Mine-vitch, Jan Garber or.

FRIENDLY NEIGHBORS, comedy; asso. prod., Armand Schaefer; dir., Nick Grinde; screen play, Dorrel and Stuart McGowan; camera, Ernie Miller. Cast: William Powell, Helen Healy, John Hartley, Lois Ransom, Spencer Charters.

WHO KILLED AUNT MAGGIE?, melodrama; asso. prod., Albert Cohen; dir., Arthur Lubin; orig. by Melora Field; screen play, Stuart Palmer; camera, Reggie Lanning. Cast: John Hubbard, Wendy Barrie, Edgar Kennedy, Elizabeth Patterson, Walter Abel, Willie Best, Tom Dugan.

TRAIL BLAZERS, western; asso. prod., Harry Grey; dir., George Sherman; no writing credits; camera, Bill Nobles. Cast: Bob Livingston, Bob Steele, Rude Davis, Pauline Mullen, Wanda Tuchook, Stanley Hailah.

MELODY RANCH, western; asso. prod., Sol C. Siegel; dir., Joseph Santley; no writing credits; camera, Joe August. Cast: Gene Autry, Jimmy Durante, Ann Miller, George Hayes, Mary Lee.

THE WESTERN, comedy; asso. prod., Robert North; dir., Malcolm St. Clair. Cast: Roscoe Karns, Ruth Donnelly, Polly Moran, Lois Ransom, Dorothy Ann Seese, Spencer Charters, Alan Ladd, George Ernest.

MYSTERIOUS DR. SATAN, serial; asso. prod., H. S. Brown, Jr.; dir., William Witney and Jack English; no writing credits; camera, Wm. Nobles. Cast: Robert Wilcox, William Newell, Dorothy Herbert, Ella Neal, Walter McGrain, Paul Marjion.

20th Century-Fox

	From- Issued	Com- pleted	Shoot- ing	New Cutting	To Be Shot
Totals	52	16	8	3	25

Pictures in cutting rooms or awaiting release: FOR BEAUTY'S SAKE, comedy-drama; prod., Lucien Hubbard; dir., Shepard Krause; screen play, Wanda Tuchook, Ethel Hill, Walter Bullock; camera, Charles Clarke. Cast: Ted North, Marjorie Weaver, Richard Lane, Lenita Lane, Ned Sparks, Joan Davis, Pierre Watkin.

DOWN ARGENTINE WAY, musical; asso. prod., Harry Joe Brown; dir., Irving Cummings; screen play, Darrell Ware, Carl Tunberg; original, Rian James, Ralph Spence; camera, Leon Shamroy. Cast: Don Ameche, Betty Grable, Carmen Miranda, Charlotte Greenwood, J. Carroll Nash, Leonid Kinsky.

CHARLEY FLY, comedy-drama; ex. prod., Sol Wurtzel; dir., Eugene Ford; screen play, Stanley Hailah, Lester Lifford; camera, Lucien Andriot. Cast: Lynn Bari, Zoyd Nolan, Arlene Whelan, George Montgomery, Hobart Cavanaugh.

YOUTH WILL BE SERVED, comedy with music; asso. prod., Lucien Hubbard; dir., Otto Brower; screen play, Wanda Tuchook; camera, Edward Cronjager. Cast: Jane Withers, Robert Conway, Jane Darwell, Elyse Knox, Lillian Porter, Joyce Bryant.

MURDER OVER NEW YORK, formerly CHARLEY CHAN IN NEW YORK, meller; ex. prod., Sol Wurtzel; dir., Harry Lachman; no writing credits; camera, Ernie Miller. Cast: Sidney Toot, Marjorie Weaver, Sen Yung, Joan Valerie, John Sutton, Donald MacBride.

JENNIE, comedy drama; prod., Sol Wurtzel; dir., David Burton; no writing credits; camera, Virgil Miller. Cast: Virginia Gilmore, Doris Bowdon, George Montgomery, Rand Brooks, Joe Valerie, William Henry.

THE MARK OF ZORRO, formerly THE CALIFORNIAN, drama; asso. prod., Raymond Griffith; dir., Rouben Mamoulian; based on story by Johnson McCully; screenplay, John Taintor Foote; adaptation, Garrett Fort; camera, Arthur Miller. Cast: Tyrone Power, Linda Darnell, Basil Rathbone, Gale Sonder-

gaard, Eugene Pallette, J. Edward Bromberg, Montague Love, Janet Clayton.

20th-Fox Pix New in Production

HUDSON'S BAY, drama; asso. prod., Kenneth Macgowan; dir., Irving Pichel; no writing credits; camera, Peverell Marley. Cast: Paul Muni, Gene Tierney, John Sutton, Virginia Field, Nigel Bruce, Vincent Price, Laird Cregar, Chief Thundercloud.

CHAD, HANNA, drama; in Technicolor; asso. prod., Russell Johnson; dir., Henry King; no writing credits; camera, Ernest Palmer. Ray Rennahan. Cast: Henry Fonda, Linda Darnell, Mary Beth Hughes, John Carradine, Guy Kibbe, Jane Darwell, Eddie Collins, Ted North, Olin Howland.

TIN PAN ALLEY, musical; asso. prod., Kenneth Macgowan; dir., Walter Lang; no writing credits; camera, Leon Shamroy. Cast: Alice Faye, Betty Grable, Jack Oakie, John Payne, Allen Jenkins, Ben Carter.

ROMANCE OF THE RIO GRANDE, western; asso. prod., Sol Wurtzel; dir., Herbert I. Leeds; no writing credits; camera, Charles Clarke. Cast: Cesar Romero, Ricardo Cortez, Patricia Morison, Chris-Pan Martin, Lynne Roberts, Pedro de Cordoba, Alrich Bowker, Joseph MacDonald, Raphael Bennett, Irene Palance.

GOLDEN HOOPS, drama; asso. prod., R. Dietrich and Walter Morosco; dir., Lynn Shores; camera, Lucien Andriot. Cast: Jane Withers, Charles Rogers, Katharine Edwards, Robert Conway, Robert Shaw, Cliff Clark, Alward Macade, Philip Hurlich, Buddy Pepper.

CORNBOK KELLY'S BENEFIT, comedy; asso. prod., Sol M. Wurtzel; dir., Norman Foster; camera, Virgil Miller. Cast: Marvin Stephens, Rita Quigley, Eugene Pallette, Richard Lane, Dorothy Peterson, Charles D. Brown, Frank Burke, Lee Murray.

PRIVATE PRACTICE OF MICHAEL SHAYNE, drama; ex. prod., Sol Wurtzel; dir., Eugene Ford; screenplay, Stanley Rauh and Manning O'Connor; based on novel by Bret Halliday; camera, George Schneiderman. Cast: Lloyd Maltin, Marjorie Weaver, Donna McBride, Elizabeth Patterson, Walter Abel, Douglas Dumble.

ZANE GREY'S WESTERN UNION, drama, in Technicolor; asso. prod., Harry Joe Brown; dir., Fritz Lang; no writing credits; camera, Edward Cronjager and Allen Dabey. Cast: Robert Montgomery, Virginia Gilmore, John Carradine, Laird Cregar, Slim Summerville.

United Artists

	From- Issued	Com- pleted	Shoot- ing	New Cutting	To Be Shot
Goldwyn	1	1	0	0	0
Schmick	4	2	0	0	2
Wagner	1	1	0	0	0
Chaplin	1	1	0	0	0
Roach	5	0	0	0	5
Korda	3	0	0	0	0
Lesser-Lubisch	2	0	0	0	2
Loew-Lewin	2	0	1	0	1
Bronson	3	0	0	0	3
R. Rowland	1	0	0	0	1
Fiscal	1	0	0	0	1
Totals	26	5	1	0	20

Pictures in cutting rooms or awaiting release: THE WESTERNER, western drama; producer, Samuel Goldwyn; director, William Wyler; no writing credits; camera, released. Cast: Gary Cooper, Walter Brennan, Fred Stone, Doris Davenport, Dana Andrews, Tom Tyler, Virginia Gilmore, Paul Hurst, Lupita Tovar, Forrest Tucker, Chill Willis, Charles Halton.

THE LONG VOYAGE HOME, sea drama; producer, the Ardy Corp.; Walter Wanger-John Ford; director, John Ford; screen play, Dudley Nichols suggested by four one-act plays by Eugene O'Neill; camera, Gregg Toland. Cast: John Wayne, Thomas Mitchell, Jan Hunter, Barry Fitzgerald, John Hagen, Arthur Shields, Joseph Sawyer, Ward Bond, Wilfrid Lawson, J. M. Kerrigan, Jack Pennick, Harry Tenbrook, Rafalo Oltiano, Constantine Romanoff, Carmen Morales.

THE GREAT DICTATOR; production, direction, screen play, Charles Chaplin; camera, Karl Struss and Roell Pothner. Cast: Charles Chaplin, Paulette Goddard, Jack Oakie, Reginald Gardiner, Henry Daniell, Emma Dunn, Maurice Moscovitch, Carter de Haven, Nellie V. Nichols, Esther Nicholson.

THE SON OF MONTE CRISTO, costume drama; prod., Edward Small; dir., Rowland V. Lee; script, Stephen Aronson; camera, Charles Chaplin; camera, Guy Robinson; music by Edward Ward. Cast: Louis Hayward, Joan Bennett, George Sanders, Florence Bates.

UA Pictures in Production: FLOTSAM, drama (Loew-Lewin) dir., John Cromwell; screenplay, Talbot Jennings; camera, William Daniels. Cast: Frederic March, Margaret Sullivan, Frances Dee, Glenn Ford, Anna Sten, Erich Von Stroheim.

Universal

	From- Issued	Com- pleted	Shoot- ing	New Cutting	To Be Shot
Features	40	11	4	12	25
Arlen-Devine	1	1	0	2	4
Actions	7	1	0	2	4
Westerns	7	5	0	5	2
Serials	3	0	0	0	3
Frank Lloyd	3	0	0	0	3
Totals	61	19	4	21	30

Pictures in cutting rooms or awaiting release:

WINNERS OF THE WEST (1940-41 serial); producer, Henry MacRae; director, Ford Beebe, Ray Taylor; original screen play, Charles R. Condon, George H. Plympton, and Basil Dickie; camera, Jerry Ash. Cast: Dick Foran, Anne Nagel, James Craig, Tom Fadden, William Desmond, Harry Woods, Ed Keane, Charles Coburn, Charles Morrissey, Edgar Edwards, Edmund Cobb, Roy Barcroft, Bill Hunter, Slim Whitaker, Robert Long, Grace Cunard, Ed Cassidy, Trevor Bardette, Jim Farley, Viola Vonn.

MARGIE, comedy with songs; asso. prod., Joseph G. Sanford; co-directors, Otis Garrett and Paul Gerard Smith; original and script, George H. Plympton, Cuna Lazarus; camera, Stanley Cortez. Cast: Tom Brown, Nan Grey, Joy Hodges, Mischa Auer, Edgar Kennedy, Allen Jenkins, Eddie Quillan, Richard Lane.

JUNIOR G-MEN (1940-41 serial); asso. prod., Henry MacRae; co-dirs., Ford Beebe and John Rawlins; orig. (Continued on page 22)

Right out of the family album and into your heart!

With Gloria Jean
bringing Hollywood's
greatest names of
today and yester-
day...in the most
warmly human
picture of the year!



UNIVERSAL presents

A LITTLE BIT OF HEAVEN

starring **GLORIA JEAN** with

ROBERT STACK • HUGH HERBERT • C. AUBREY SMITH
STUART ERWIN • NAN GREY • EUGENE PALLETTE
BUTCH & BUDDY • BILLY GILBERT and Gloria's "uncles":

FRANK JENKS • NOAH BEERY, Sr. • MAURICE COSTELLO • CHARLES RAY
FRED KELSEY • MONTE BLUE • TOM DUGAN • WILLIAM DESMOND
EDGAR DEERING • KENNETH HARLAN • PAT O'MALLEY • DAVID OLIVER

Screenplay by Daniel Taradash, Gertrude Purcell,
Harold Goldman • Original Story by GROVER JONES

Directed by **ANDREW MARTON** • Produced by **JOE PASTERNAK**

Hear Gloria... at
her Glorious Best...
Sing
"A Little Bit of Heaven"
"After Every Rainstorm"
"What Did We Learn
at School"
"Dawn of Love"
"Highschool Cadets"

A **JOE PASTERNAK** PRODUCTION NATIONAL RELEASE OCT. 11th

**PARAMOUNT—makers of the
screen's mightiest Westerns...**

"COVERED WAGON"

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"WELLS FARGO"

"UNION PACIFIC"

now make the epic
drama of America's
last fighting frontier...



"CHEROKEE STRIP"

A Great Western
Picture from
HARRY SHERMAN
...the man who
makes the greatest of them all!



starring the hero of "Cimarron" and "Man of Conquest"

RICHARD DIX

with
Florence Rice • William Henry

Screen Play by Norman Houston and Bernard McConville • Based
on a Story by Bernard McConville • Directed by LESLEY SELANDER



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—Metodrama; 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.
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	97
	8/7	DOOMED TO DIE (Mono)	M	B. Karloff-M. Reynolds	47
	7/10	CHAMBER OF HORRORS (Mono)	M	L. Banks-L. Palmer-G. Hale	85
	8/21	ONE CROWDED NIGHT (RKO)	CD	J. Withers-K. Taylor-K. Aldridge	71
	7/10	GIRL FROM AVENUE A (20th)	RD	J. McGuire-L. Roberts	71
	8/7	CAPTAIN CAUTION (UA)	D	V. Mature-L. Platt-B. Cabot	74
	7/17	BOYS FROM SYRACUSE (U)	MU	A. Jones-M. Kaye-J. Fanner	72
	8/7	SING, DANCE, PLENTY HOT (Rep)	MU	R. Terry-J. Down-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	C. Barry-J. Johnson-V. Grey	68
	8/14	LAUGHING PART DANCER (Mono)	M	F. Darre-J. Hodges-G. Hudson	61
	8/14	COMMON ROUND THE MOUNTAIN (Par)	C	B. Burns-U. Merkel-P. Barrett	62
	9/4	STRANGER ON THIRD FLOOR (RKO)	D	P. Lorre-J. McGuire-M. Tallent	67
	7/24	RAMPARTS WE WATCH (RKO)	D	March of Time production	85
	8/14	RETURN OF FRANK JAMES (20th)	D	H. Fonda-L. Leeds-J. Cooper	92
	8/28	FOREIGN CORRESPONDENT (UA)	RD	J. McCrea-L. Day-H. Marshall	119
	6/12	ALL THIS HEAVEN TOO (WB)	K	B. Davis-C. Boyer-B. O'Neill	140
8/23/40	8/14	HE STAYED FOR BREAKFAST (Col)	CD	M. Douglas-L. Young-U. O'Connor	86
	5/31/39	MISSING PRELUDE (Mono)	D	W. Wyke-L. Harding-K. Walsh	69
	8/14	ARIZONA FRONTIER (Mono)	W	T. Ritter-S. Andrews-E. Finley	53
	7/24	RANGE BUSTERS (Mono)	W	R. Corrigan-J. King-L. Walters	53
	8/21	THE GREAT McGINTY (Par)	C	B. Donlevy-M. Angel-A. Tamm	98
	8/14	LUCKY PARTNERS (RKO)	C	G. Rogers-E. Coleman-F. Gray	98
	7/24	THE SEA HAWK (WB)	D	L. Bari-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	BOOM TOWN (M-G)	D	C. Bickford-L. Rich	63
	7/17	YOUNG PEOPLE (20th)	CD	S. Temple-J. Oakie-C. Greenwood	77
	8/21	RHYTHM ON THE RIVER (Par)	C	B. Crosby-M. Martin-L. Boone	68
	8/28	DANCE GIRL, DANCE GIRL (20th)	M	M. O'Hara-L. Hardin-L. Ball	88
	8/7	THEY DROVE BY NIGHT (WB)	W	G. Raft-A. Sheridan-H. Bogart	93
	8/28	OKLAHOMA RENEGADES (Rep)	M	K. Livingston-E. Hatton-D. Renaldo	85
	8/28	KIT CARSON (UA)	W	L. Bari-J. Hall	85
8/6/40	8/7	CHAN AT WAX MUSEUM (20th)	M	S. Toier-S. Yang-J. Valerie	88
	8/7	FUGITIVE FROM PRISON CAMP (Col)	M	J. Holt-M. Marsh	88
	9/4	DE KILDARE GOES HOME (M-G)	RD	L. Ayres-L. Barrymore-L. Day	76
	8/7	UP IN AIR (Mono)	F	F. Darre-M. Morland	61
	9/4	WILD GULCHES (Mono)	M	L. Ryan-B. Blum	61
	8/21	ARGENTINE NIGHTS (U)	MU	Rita Bros.-Andrews Sisters	72
	8/28	RIDE, TENDERFOOT, RIDE (Rep)	W	G. Aubrey-S. Burnett-J. Storie	66
	8/28	MAN AGAINST THE SKY (RKO)	RD	E. Dix-K. Taylor-W. Barrie	73
	8/28	CALLING ALL HUSBANDS (WB)	C	G. Tobias-L. Fairbanks-E. Truax	61
8/13/40	9/4	HOWARDS OF VIRGINIA (Col)	D	C. Grant-M. Seal	115
	9/11	WYOMING (M-G)	W	W. Beery-L. Carillo-A. Rutherford	84
	9/11	THE APE (Mono)	RD	Boris Karlov	61
	9/11	GIRL FROM HAVANA (Rep)	W	D. O'Keefe-C. Carleton-V. Jory	69
	9/18	DREAMING OUT LOUD (RKO)	C	Lum and Abner-F. Langford	81
	6/28	PUBLIC DEB No. 1 (20th)	C	G. Murphy-B. Joyce-E. Maxwell	70
	9/11	HIRE WIFE (U)	CD	R. Russell-B. Aherne-B. Benchley	85
	9/11	LEATHER FUSHERS (U)	C	E. Arlen-B. Devine-M. Anser	67
	9/11	NO TIME FOR COMEDY (WB)	C	J. Stewart-B. Russell-C. Eggle	88
8/20/40	10/2	BEFORE I HANG (Col)	M	B. Karloff-E. Keyes	62
	8/7	HAUNTED ROYALTY (M-G)	D	B. Montgomery-C. Cummings	69
	8/7	TRAIL OF MINE (Mono)	M	B. Jordan-L. Gorcy	61
	9/4	I WANT A DIVORCE (Par)	D	J. Blondell-D. Powell-G. Dickson	81
	9/4	TRIFLE JUSTICE (RKO)	W	C. Veidt-Sabu-J. Dupres	71
	9/4	YESTERDAY'S HEROES (20th)	W	R. Rogers-G. Hayes-F. Moore	57
	9/25	MUMMY'S HAND (U)	CD	D. Sterling-J. Rogers-B. Gleason	60
	10/2	BAGTIME COWBOY JOE (U)	M	D. Foran-P. Moran-W. Ford	65
	9/25	THE WESTERNER (UA)	W	J. M. Brown-N. O'Day-F. Knight	67
	9/11	CITY FOR CONQUEST (WB)	W	G. Cooper-W. Brennan	97
	9/11	CITY FOR CONQUEST (WB)	D	J. Cagney-A. Sheridan-F. Craven	105
8/27/40	9/18	ANGELS OVER BROADWAY (Col)	D	D. Fairbanks, Jr.-R. Hayworth	71
	9/18	GLAMOUR FOR SALE (Col)	D	A. Louise-R. Fryer-J. MacClay	71
	9/25	FRANKIE SCROONERS (Col)	MU	E. Ellier	71
	9/25	STRIKE UP THE BAND (M-G)	M	M. Rooney-J. Garland-J. Preisler	115
	9/11	SKY MURDER (M-G)	M	E. Johnson-W. Pidgeon	71
	10/2	DRUMS OF THE DESERT (Mono)	M	L. Gray-R. Byrd	79
	9/11	RANGERS OF FORTUNE (Par)	D	F. MacMurray-F. Morison	70
	10/2	THE STILL ALIVE (RKO)	RD	K. Taylor-L. Hayes-B. Morgan	70
	9/18	KNEW WHAT THEY WANTED (RKO)	CD	C. Laughton-C. Lombard-W. Gargan	70
	9/18	UNDER TEXAS SKIES (Rep)	W	A. Mesquitero-L. Ranson	57
	8/28	BRIGHT YOUNG (20th)	RD	T. Power-L. Darnell-D. Jagger	112
	10/2	SPRING LAUREL (20th)	M	D. Durbin-L. Cummer-M. Anser	59
	10/2	EAST OF THE RIVER (WB)	M	J. Garfield-B. Marshall-M. Rambeau	59
10/4/40	10/2	SO YOU WON'T TALK (Col)	C	J. E. Brown-F. Robinson	66
	10/2	DUEL (M-G)	C	A. Sothern-L. Harter-B. Burke	66
	10/2	OLE SWIMMIN' HOLE (Mono)	C	M. M. Jones-J. Moran	66
	7/24	QUARTERBACK (Par)	CD	W. Morris-V. Dale-A. Mowbray	66
	9/25	VILLAIN STILL PURSUED HER (RKO)	C	A. Louise-B. Cromwell-H. Herbert	66
	9/25	WAGON TRAIL (RKO)	W	T. Holt-M. O'Driscoll-B. Whitley	58
	9/25	RAY GABRIEL (20th)	W	G. Romero-S. Ryan	58
	9/25	DIAMOND FRONTIER (U)	M	V. McLagen-A. Nagel-J. Leder	58
	9/25	KNUTE ROCKNE—ALL AMERICAN (WB)	D	P. O'Brien-G. Page-R. Reagan	58
10/11/40	10/2	THIRD FINGER, LEFT HAND (M-G)	CD	M. Ley-M. Douglas	66
	10/2	YOU'RE OUT OF LUCK (Mono)	CD	F. Darre	66
	10/2	MOON OVER MINE (Mono)	CD	D. Lamm-P. Foster-D. Nolan	66
	10/2	MELODY AND MOONLIGHT (Rep)	CD	J. Downs-J. France-V. Vague	66
	10/2	FRONTIER VENGEANCE (Rep)	W	D. Barry-B. Moran	66
	8/21	TOO MANY GIRLS (RKO)	MU	L. Ball-R. Carlson-A. Miller	79
	8/21	GREAT PROFILE (20th)	D	J. Barrymore-M. R. Hughes	79
	8/21	SEVEN SWINNERS (U)	M	M. Dietrich-L. Wayne-M. Anser	79
	8/21	FATHER IS A PRINCE (WB)	C	G. Mitchell-L. Patrick-J. Little	79
10/18/40	10/2	NOBODY'S CHILDREN (Col)	D	E. Fellows-L. Wilson-B. Lee	66
	10/2	WEST OF ABILENE (Col)	D	C. Starrett-M. Cooley	66
	10/2	ESCAPE (M-G)	D	N. Shearer-R. Taylor-Nazimova	66
	9/18	PARSONS OF DEVIL'S GAP (Mono)	W	T. Ritter	66
	9/18	ORIENTALS IN JULY (Par)	CD	D. Powell-E. Drew	66
	9/18	NIGHT TRAIN (20th)	D	M. Lockwood-R. Harrison	66
	9/25	LADDIE (RKO)	D	T. Holt-S. Byington-V. Gilmore	66
	9/25	SLIGHTLY TEMPTED (U)	C	H. Herbert-P. Moran-J. Downs	66
	9/25	DISPATCH FROM REUTERS (WB)	D	E. Robinson-E. Best-O. Kruger	66
10/25/40	10/2	GIRLS UNDER 21 (Col)	D	F. Kelly-R. Hudson	84
	10/2	PHANTOM OF CHINATOWN (Mono)	D	F. Morgan-B. Burke-V. Grey	84
	10/2	CHEEROKEE STRIP (Par)	W	K. Luke	84
	10/2	YOU'LL FIND OUT (Rep)	MU	R. Dix-V. Jory-F. Rice	84
	10/2	YOUNG BILL HICKOK (RKO)	W	K. Ryser-B. Farish-P. Lorre	84
	10/2	DOWN ARGENTINE WAY (20th)	W	R. Rogers-G. Hayes-J. Wells	84
	10/2	LITTLE BIT OF HEAVEN (U)	CD	D. Ames-B. Greer-C. Miranda	84
	10/2	SON OF MONTE CRISTO (UA)	D	G. Jean-H. Herbert-N. Grey	84
	10/2	TUGBOAT ANNIE SAILS AGAIN (WB)	D	L. Hayward-J. Bennett-G. Sanders	84
	10/2	TUGBOAT ANNIE SAILS AGAIN (WB)	D	M. Rambeau-A. Hale-J. Wyman	84
11/1/40	10/2	BLONDE PLAYS CUPID (Col)	C	F. Singleton-A. Lake-L. Simms	84
	10/2	PASSAGE WEST (Col)	C	P. O'Brien-C. Bennett	84
	10/2	ARISE MY LOVE (Par)	C	C. Colbert-R. M. Gray-M. Abel	84
	10/2	LIT ABNER (RKO)	D	G. Owen-M. Ray-J. Morris	84
	10/2	THE MARK OF ZORRO (20th)	D	T. Power-L. Darnell-B. Rathbone	84
	10/2	I'M NOBODY'S SWEETHEART NOW (U)	D	D. O'Keefe-C. Moore-H. Parrish	84
	10/2	SOUTH OF SUMATRA (U)	C	E. Arlen-A. Devine	84
	10/2	LADY WITH THE RED HAIR (WB)	D	M. Hopkins-C. Rains-R. Ainley	84

Consent Decree All Set

Continued from page 5

hibitors are parties to the proceeding, and have more to lose than to gain if they attempt to intervene. From a procedural standpoint, any exhibitor can ask to be heard before a settlement approved by the court. It is considered highly improbable that the court would stay its hand on account of a single chain or individual theatre operator. A solid front probably would be necessary to stall ratification of the armistice, and there is no evidence that concerted protest will be voiced.

The attitude of the exhibitors has not been finally revealed, pending this week's huddle at the Justice Department. Nobody expects the Allied States group, most vociferous and belligerent enemies of the majors, to settle its chin out because if it became a party of record, this faction would be bound by whatever action is taken eventually to the extent of asking for permission to enter the list. As long as the five biggest defendants seem disposed (even though only from a financial standpoint) to settle the controversy by a consent decree, it is felt there is no chance the Motion Picture Theatre Owners Association will dissent.

Some walls from smaller blocs are likely, but not because they will support the apple-cart. Especially if the Justice Department force marches in announcing a plan to file a modified complaint against Columbia, Universal and United Artists.

(There still is a faint chance, in the eyes of local watchers, that these three companies will decide it is everybody's advantage to bring along, even though they feel wounded because they were made parties without owning theatres.) [In New York, Edward C. Raftery, attorney for UA, says there isn't a chance; furthermore, he views the consent decree as "not wanted by anybody now, especially the exhibitors."]

A request for added time to pursue negotiations is most unlikely. The Justice Department considers it has gone as far as can be reasonably expected to bring about an amicable adjustment of trade practice complaints. The five principal defendants are disposed to try out the compromise, if only to avoid the financial loss that a trial would entail. (In some circles, it is believed that the company is glad to have an alibi in testing a new distribution system, even though the Government reserves the right to demand later on that the Federal courts pass on the questions whether (1) talent swapping and (2) integration violate the Sherman act.)

Indies' Spot

Position of the independent exhibitors is rather unusual. No matter how loudly they yelled about the insufficiency of the consent decree, most of the theatre-owners feel the best strategy is to keep mum. When the principals—in this case, the Federal Government and five of the eight defendants—are in agreement, only a showing of unusual circumstances is likely to cause the court to postpone action because of the feeling of outsiders. And in the final action should be deferred in order to give exhibitors a chance to intervene, the intervenor runs a risk of losing everything. In the event the decree finally is approved, the exhibitors would be tied hand and foot. They might be able to come back and ask for modification of the agreement months hence but they also would run the risk of being cited for contempt if they did any muttering outside the courtroom. By remaining aloof, the independents reserve the right to lobby before Congress next year for the Neely bill or its equivalent, to put the heat on the Justice Department in an attempt to initiate new prosecutions, to file their own triple damage suits, or to complain later about the consent decree.

New bill in equity, or modification of that filed more than two years ago, aimed at Col., Universal, and U. A. undoubtedly will be devoid of but still may pave the way for a showdown on some trade practices not pressed against the other defendants. Such as loaning of box-office names or tying up talent. Just what the papers would cover still has to be decided.

From the other angle, there are veiled expressions of hope that the Justice Department will not go to trial against any of the defendants. Victory in any action versus only three of the eight defendants would be empty, as far as most exhibitors are concerned. On the other hand, pressing charges against all of the so-called "Big Eight" would be risky,

in present circumstances, they feel, and equally unsatisfactory.

No names have been mentioned, but certain hints are clearly indicating their disappointment at the way the D. of J. has handled the case. The suspicion is that the trust-busters were taken in by the majors and that the staff which prepared the case lacked both the backbone and the competency to proceed to a victorious (to the exhibitors) conclusion.

Besides, when the mask of piety is removed, a good many theatre-owners don't want the present distribution system altered, at least not as radically as the proposed decree would entail. They'd like to be able to buy in bunches, providing the deal is on their own terms. One big defect in the five-picture-bundle theory is that the idea behind it is to tie up product that the opposition might obtain. Or the proposed remedy will result in higher prices to reach this objective.

Another reason why the exhibitors are likely to be aloof is feeling the consent decree may in time demonstrate that the idea behind the Neely bill is feasible. (To some extent, this is contradictory, but the sentiments of the theatre-owners is by no means unanimous.) From a selfish viewpoint, they figure both the studios and the distributors will discover and admit there is nothing impracticable about completing pictures before the booking season starts without having to turn in showings. Even though the suit has been hanging over their heads, the studios have been functioning at full speed, it is noted, and have good many more than five films ready to sell.

The consent decree, regarded in this fashion, might nullify all the arguments about the risk involved in turning out a season's supply minus an assured market, the wily exhibitors anticipate. As long as it is possible for Hollywood to go forward on a 40-picture basis while negotiating with the Government about selling in blocks of five only, it is reasonable to conclude that the studios could operate as is even though the distributors are expected to haggle over each picture. That's the way some of the exhibitors look at the situation.

Definite plans will be worked out minus Assistant Attorney General Arnold, who also is not likely to show up in court next week. The head trust-buster is still away from the desk and not back until the end of the week, probably after the parley with the majors' legal corps.

Printed Draft

With the ink still wet on its 126 printed pages, the consent decree, on which Government and film company attorneys have collaborated for the better part of three months, at last is in the hands of its authors and film executives undergoing the final stages of editing. Copies are withheld from publication until the instrument is in the final form in which it will be presented to Judge Henry W. Goddard, in N. Y. federal court, for his approval and signature.

Group of lawyers worked over the printed draft at an all day meeting yesterday (Tues.) in the Bar Association building (N. Y.). It was the original intention to finish the task in time for its presentation to Judge Goddard next Monday (7) when resumes court hearing after the summer holiday. Spokesman for the group declared that the job of polishing the language will require the balance of the week, after which the draft will be returned to Thurman W. Arnold, head of the anti-trust division of the Department of Justice, for his approval. Presentation to the court is not expected before Oct. 15.

Some of the company attorneys are insisting on clarification of certain clauses and provisions covering the arbitration section of the decree. On the much discussed clauses abolishing block-selling there is said to be no further changes and the five-picture group plan, as outlined in the proposed memorandum, remains without modification. The companies affected are Paramount, Loew's, Warner Bros., RKO and 20th-Fox.

Government attorney said that the Department of Justice will notify the courts in advance of the draft which it will be given to Judge Goddard, thus providing ample time and opportunity for dissenters, other than the defendants, to appear in court and voice their objections. Copies of the final draft, when approved unanimously, will be made public prior to the day of argument.

FOIL EFFORTS TO GET INDUSTRY MAN ON RADIO NATIONAL DEFENSE BOARD

But Neville Miller Issues Emotion—Hiding Message—Broadcasters Have Fingers Crossed on What May Happen If War Comes

Washington, Oct. 1. Forcibly reconciled to not having a direct voice in the preparation of defense plans and policies involving radio, broadcasters this week were hoping for the best and trusting that some new 'emergency' does not provide Federal officials with excuse for getting tough. The executive order which President Roosevelt issued Tuesday (24) creating a planning board for all communications has been received with a shoulder shrug as probably the best break commercial operators can hope to get.

The broadcasters privately admit they are whistling to keep up their courage. Industry watchers over a considerable length of time acknowledge that there is no insurance policy in either the formal papers creating the interdepartmental outfit or in President Roosevelt's supplemental assurances.

Statement designed to please the New Dealers, at the same time rallying the industry, was made by Neville Miller soon after the order came out. The N.A.B. prexy hid his disappointment over failure to have an industry figure designated as member of the group or as defense 'coordinator,' stressing that the Federal crew is 'basically a planning agency without operating or procurement functions.'

Miller's Statement
The broadcasting industry will gladly cooperate, Miller promised, adding that 'it is both wholesome and significant that industry and government should be working side by side in seeking ways and means for radio to render the maximum service to the American public.' He portrayed the broadcasters as 'welcoming the chance to consult about plans for meeting any grave crisis.'

'We commend the safeguards which have been set up guaranteeing the preservation of a free American radio, so essential to the welfare of a democratic people. We are looking forward to the strengthening of the plans for national defense by the work of this board,' Miller concluded.

Rank and file industry people kept their fingers crossed. If the whistle ever blows for the U. S. military and naval forces, radio is fated to undergo major changes, it was agreed. So are the press, motion pictures, and other means of transmitting information and influencing public opinion.

For the present, however, the industry skeptics hope the military, naval, and civil authorities of the Government will respect the private ownership traditions and confine themselves to nothing but planning. If a show-down should take place, broadcasters will cite President Roosevelt's instructions that 'the Board shall take no cognizance of matters pertaining to censorship' and is detailed only to go into physical problems without the right to take any administrative action on its own account.

The President's statement, a paraphrase of the official order, explained the objective is to set up an agency 'charged with the important duty of charting the utilization and control of our communication systems in the best interests of national security.' He added that it will not interfere with the normal operation of broadcasting or other forms of communication any more than is necessary for the national protection—a phrase which caused some new uneasiness in the minds of especially auspicious watchers.

Besides FCC Chairman James L. Fly, designated head of the unit, planners are Maj. Gen. Joseph O. Mauborgne, chief signal officer of the Army; Rear Admiral Leigh Noyes, director of naval communications; Assistant Secretary of State Breckenridge Long; and Assistant Secretary of the Treasury Herbert Gaston.

Halloway Vice Provo
Gene Halloway will replace Frank Provo as scripser of 'My Son and I,' daytime serial for General Foods, as of this week.
Young & Rubicam is the agency.

COCA-COLA CONSIDERS

CBS Program With Kostelanetz, Fadinan Due For Audition

Coca-Cola is mulling a return to network sponsorship with a prestige musical series. CBS has lined up a 60-minute show with Andre Kostelanetz, name singers and Clifton Fadiman as m.c. It will be auditioned in about a week. Felix Coste is handling it for the D'Arcy agency.

Account has confined its radio advertising to spot in the last few years, but formerly had several network shows.

FIXED SHOWCASE PERIOD AT KGO

San Francisco, Oct. 1. KGO, NBC Blue outlet, has worked out a scheme whereby 9:30 p.m. will be a regular sustaining showcase hour five times weekly. With four of the quintet being fed to the Coast Blue web, the half-hour across the board marks first time stunt of this nature has been tried here.

Shows pegged are 'Ricardo's Rhapsodies' Monday, Will Aubrey's 'Good Old Days' Tuesday, Leonard Cox's incorporated show, 'Wednesday Dress Rehearsal,' dramatic showcase Thursday, and Happy Gordon's Rangers with Rosie and her Guitar, Friday.

Most of the sustainers have been kicking around at various hours on both KPO and KGO. Ultimate object of switch, of course, is quest for sponsorship.

RINSO BID CLINCHES 'GRAND CENTRAL' SHOW

Lever Bros. has bought 'Grand Central Station' for Rinso and will spot the show on the NBC-blue, Tuesdays, 9:30-10 p.m., starting Nov. 12. Program will follow another Lever session, 'Uncle Jim's Question Bee.' Ruthrauff & Ryan is the agency on both.

True Story was dickering for 'Grand Central' when Lever got in first with an actual contract. Quoted price was \$3,500. True Story had already arranged for a spot on the NBC-blue, namely, 9:35 to 10 p.m. Fridays. Mag is now looking around for another program.

George Herrick's Instructorship
George Herrick, assistant chief engineer of WINS, New York, is instructor of radio communications at Brooklyn Technical night school. Appointment comes under the emergency defense plan.

Seeds Agency Captures Grove Acct.

Stack-Goble Loses 'Sherlock Holmes' After First 13—Another 'GWTW' Repercussion

Russell M. Seeds, Chicago agency, is now in on the Grove Bromo Quinine account. 'Stack-Goble will continue to handle the 'Sherlock Holmes' series for Grove for the first 13 weeks of its present season's run and the next 13 weeks will find Seeds getting the credit on the billings.

Stack-Goble brought the 'Holmes' show into the Grove fold last season. Seeds started pitching for the business when it learned that the account had raised its eyebrows over Stack-Goble being mixed up in the sale of a radio version of 'Gone with the Wind' to Vick Chemical, which also manufactures cold remedies.

J. Walter Thompson handles the spot end of Grove business.

Marvin Knight Becomes Exec of William Esty

Marvin Knight has quit the J. Walter Thompson agency to become v.p. and general manager of William S. Esty & Co.

Knight was with Thompson for seven years, his last department connection being new business.

WCAE PRIMES FOR SHIFT TO BLUE

Management of WCAE, Pittsburgh, and NBC last week entered into conversations which are expected to lead to the station's becoming the local release for the blue network next year. WCAE now has the red network franchise.

Representing WCAE at last week's conference were Harry Bitner, publisher of the Pittsburgh Sun-Telegraph, which owns WCAE, and Leonard Kapner, the station's manager.

Jack Poppele Trying To Fling F-M Sound Across N. Y. by Light Waves

WOR, New York, which recently opened FM studios in a Madison avenue skyscraper about a mile away from the regular home studios, is preparing to experiment with a stunt method of transmitting sound between the two studios by means of light waves. Light waves can be modulated much like radio waves and then reconverted into sound at the receiving end.

From the roof of the regular WOR studios a shaft of light will be aimed at the new FM studios, where a photo-electric cell with the telescope sight will be focused into the beam, making a broadcast bridge for programs to be transmitted by W2XOR.

In case of foggy weather or rain, which would block out normal white light rays, substitution of fog and rain-piercing infra-red rays would be tried. Studios of WOR and W2XOR are normally linked by two special high-fidelity telephone lines. Idea of the experiments with transmission of sound-by-light is to develop an emergency circuit in case of mishap to the regular connections, according to J. R. Poppele, the station's chief engineer, who is noted among radio technical experts as being unusually publicity-wise. Sound-over-light transmission has been a part of the General Electric 'House of Magic' show at Schenectady for several years.

Seeds Agency Captures Grove Acct.

Stack-Goble Loses 'Sherlock Holmes' After First 13—Another 'GWTW' Repercussion

'BY KATHLEEN NORRIS' BACK FOR GEN'L MILLS

'By Kathleen Norris' is returning to the air under General Mills sponsorship. Show was originally sold by Bernard Schubert, of Lord office. It will be on both the NBC red and CBS four times weekly.

Cast working from studios of WHN, New York.

McJunkin, of Chicago, is the new agency on the Carey Salt account. Schedule includes spot broadcasting.

Network Premieres This Week

Friday, Oct. 4

Procter & Gamble—Oxydol—WEAF-NBC, 9:30-10 p.m.—'Everyman's Theatre' with Naimova, dramatic cast and Gordon Jenkins, conductor. Writer, producer and director, Arch Oboler. Blackett-Sample-Hummert. Originates from Hollywood. Hookup, 55 stations.

Saturday, Oct. 5

Colgate-Palmolive-Peet (Cashmere Bouquet Products, Halo), WABC-CBS, 8:30-8:55 p.m.—'Wayne King's Orchestra with Buddy Clark.' Sherman & Marquette. Announcer, Phil Stewart. Originates from Chicago. Hookup, 66 stations.

Sunday, Oct. 6

General Foods (Jell-O), WEAF-NBC, 7-7:30 p.m.—'Jell-O Program' with Jack Benny, Mary Livingstone, Phil Harris and his orchestra, Dennis Day, Young & Rubicam. Producer, Murray Bolen. Announcer, Don Wilson. Originates from Hollywood. Hookup, 81 stations plus CBC.

International Silver, WABC-CBS, 6-6:30 p.m.—'Silver Theatre' with Conrad Nagel, Felix Mills and his orchestra, and guest star, Laurence Olivier. Young & Rubicam. Producer, Glenn Hall Taylor. Announcer, Henry Charles. Originates from Hollywood. Hookup, 53 stations.

Regional Broadcasters' Assn. (various products), WOR-MUTUAL, 8:45-9 p.m.—'Dorothy Thompson.' Originates from WOR, N. Y. Hookup, 60 stations.

Wheeling Steel Corp., WOR-MUTUAL, 5-5:30 p.m.—'Musical Steelmakers' with Ardenne White, Dorothy Ann Crowe, Singing Millmen, Steele Sisters, and the Old Timer. Critchfield & Co. Originates from Wheeling, W. Va. Hookup, 46 stations.

Monday, Oct. 7

Best Foods (Nucoa), WABC-CBS, Mon.-Fri., 4:15-4:30 p.m.—'We, the Abbotts' with Ethel Everett, John McIntyre, Cliff Carpenter, Audrey Egan, Betty Jane Tyler, Adelaide Klein, Benton & Bowles. Script writer, Jack Hasty. Announcer, Ted Pearson. Originates from N. Y. Hookup, 37 stations.

Clapps Baby Food, WJZ-NBC, Mon.-Fri., 4-4:15 p.m.—'Mother O' Mine' with Agnes Young, Donald Cook, Ruth Yorke, Betty Jane Tyler, Arthur Allen, Jack Kelk, Paul Nugent. Young & Rubicam. Producer, Bill Rousseau. Announcer, Charles Stark. Originates from N. Y. Hookup, 66 stations.

Florida Citrus Commission, WABC-CBS, Mon.-Fri., 3:15-3:30 p.m.—'Mary Margaret McBride.' Arthur Kudner. Originates from N. Y. Hookup, 36 stations.

General Foods (Maxwell House Coffee), WABC-CBS, Mon.-Fri., 4:45-5 p.m.—'Kate Hopkins-Angel of Mercy' with Margaret Macdonald, Clayton Collier, Helen Lewis, Templeton Fox, Ned Weaver. Benton & Bowles. Producer, Jack Hurdle. Originates from N. Y. Hookup, 38 stations.

General Foods (Post Toasties), WABC-CBS, Mon.-Fri., 4-4:15 p.m.—'Post Toasties' with Lucille Wall, Raymond Ives, Myron McCormick, Louise Larabee, Estelle Windwood. Benton & Bowles. Producer, Lindsey MacHarrie. Script writer, Mona Kent. Announcer, George Putnam. Originates from N. Y. Hookup, 79 stations.

Wednesday, Oct. 9

Lever Bros. (Rinso), WABC-CBS, 8-8:30 p.m.—'Big Town' with Edward G. Robinson and Thoma Munson. Ruthrauff & Ryan. Producer, Crane Wilbur. Director, Oona Freebairn Smith. Originates from Hollywood. Hookup, 73 stations plus CBC.

Ed East's Colgate Quiz; Also Conducts Early A.M. Sessions on NBC Blue

Ed East succeeds Jim McWilliams as quizmaster for Colgate and Benton & Bowles on the 'Ask-I-Basket.' McWilliams was a probable spiritual daddy of the whole radio quiz movement and was certainly one of the first in this line. East takes over tomorrow (Thursday).

On Oct. 14 he will also launch for White Rose tea on WJZ, New York, only a five-a-week audience participation program at 8:50 a.m. Getting an audience at that hour is a bit unusual even for radio.

Meantime the regular NBC blue 'Breakfast in Bedlam' participating session originated and conducted by East goes on every morning at seven. Presently has Ten Crown Charcoal Gum, Clipper-Craft Clothes and Piso cough syrup.

East will make arrangements later for sleeping.

Darrell Martin's Protege Back in Pittsburgh

Pittsburgh, Oct. 1. Rita Ray, local high-school singer who was spotted here year ago by Paul Whiteman and subsequently signed by Gray Gordon, with whom she appeared for couple of months, is back home again and has just been added to artists' staff at KDKA. First assignment at Westinghouse station is vocalist's berth on new 20th Century Drawing Room musical, which features special musical combo of Danny Sisman, Charlie Riley, Louis Digosz, George Wilkins, Emil Bielow and Don Battist. Gal has also replaced Carol Mansfield on Kay-Dee-Kapers. Miss Ray is being personally managed by Darrell V. Martin, former radio editor of Post-Gazette, who has piloted her pre career from this start.

Chemicals, Inc., on NBC

Chemicals, Inc., yesterday (Tuesday) started a quarter-hour program, 'Just Between Friends,' on the Coast link of the NBC-blue as plug a cleanser, Vanno. The time is 8:30 a.m.

Botsford, Constantine & Gardner is the agency.

DAYTON MUSIC QUOTA SET

Dayton, O., Oct. 1. Difficulties between WHIO and WING and the local branch of the American Federation of Musicians have been straightened out, following a visit of Fred Bernbach, AFM secretary, and John Norton, NBC station's relations exec. There had been an argument over the number of musicians each station should employ.

Both outlets are now using their full quota of staff instrumentalists.

WGR-WKBW SHARING COLUMBIA, MUTUAL

Buffalo, Oct. 1. Buffalo Broadcasting Corp., which has been dividing Columbia network between its stations WGR and WKBW, has signed with Mutual for some 40 hours of programs weekly. Combined CBS and Mutual fare will cut down wear and tear on company's turntables.

Company has not assigned either network to a specific station but will interchange programs in roughly two-hour cycles. CBS programs, for instance, start at 8 a.m. on WKBW, switch at 10 to WOR, back at noon and so on, with Mutual going on other station. Big programming shortcoming always was single network for two stations, which meant theoretically that one outlet always was filling in with local stuff.

Don Lee Snares 'Divorce'

Los Angeles, Oct. 1. 'I Want a Divorce,' starring Joan Blondell, takes the full complement of stations on the Don Lee and Mutual networks beginning Oct. 18. Co-op dramatic show, on NBC's red last season, was set to go Columbia this month but pulled out when CBS demanded more stations.

'Tea Garden' preserves takes the Coast sponsorship. Emil Brisacher agency produces.

C.A.B. DOUBLES ITS CALLS

Republicans Slow With Donations, Stations Also Jam Spot Deals By Refusing Cheaper 'Local' Rates

Spot campaign which the J. Walter Thompson Agency has been assigned to handle by the Republican National Committee is now badly jammed up because of the reluctance of Republican state committees to put up the necessary cash. Understanding that the advertising agency had was that the individual state committees would, as soon as the stations and schedules were lined, come through with their part of the proposition. So far few have been heard from by the agency.

Agency has run into other difficulties also in connection with this bit of proposed business. Many stations queried have refused to accept these transcribed programs at regular spot rates, holding that they are strictly political and should be paid for at either the one time rate or special card rate, which is quite higher. Still other stations have turned down the campaign on the ground that their schedules are so crowded that if they do accept these discs there won't be equal spot time to take care of any Democratic business offered them. Under the radio law the same facilities must be made available to all political parties.

So far Thompson has placed but a mite of the bookings it had figured on for the Republicans in the way of spot. The schedule called for 196 programs and it was estimated that at least 150 stations would participate in the divvy.

Lester Gottlieb Handling Series for Mutual's 253; Schreiber Tied Up at WGN

Mutual's final list of stations carrying the World Series, which opens in Cincinnati today (Wednesday), totals 253. With \$100,000 again being paid for the broadcast right by Gillette Mutual estimates that the bill to the razor manufacturer this year will come to around \$250,000.

Because Frank Schreiber, who usually works on the details of the series broadcast for Mutual is tied up by his new managerial duties at WGN, Chicago, Lester Gottlieb, the network's p.a., will be out in Cincinnati to handle the job this year. Bob Elson and Red Barber have the play-by-play assignment and Mel Allen, who did the New York Giants and Yankees broadcasts over WABC, N.Y., for Camel this past season, will do the filling in of color.

KEN CARPENTER HEADS AFRA IN LOS ANGELES

Los Angeles, Oct. 1. Kenneth Carpenter was elected president of the L.A. chapter of the American Federation of Radio Artists by a vote of 215 to 135. Other officers chosen were William Brandt, first vice-president; Theodore Boardman, second v.p.; Gale Gordon, third v.p.; Hal Berger, fourth v.p.; J. Donald Wilson, fifth v.p.; Elizabeth Wilbur, recording secretary, and Ted Bliss, treasurer.

Membership approved a by-law amendment providing that all candidates for office must have served on the executive board for at least one year. New members of the board are Ted Bliss, George Fife, Thomas Freebairn-Smith, Lucile LaPoint, Frederick MacKay, Knox Manning, Elizabeth Wilbur, J. Donald Wilson, Lee Sweetland, Kenneth Carpenter and Arthur Gilmore.

Leonard L. Levinson motoring back to the Coast to resume script collaboration on the Fibber McGee and Molly show. He was on it last year, assisting Don Quinn.

Mood Magnifique

Hollywood, Oct. 1. For the opening broadcast of his 'Everyman's Theatre' series for Procter & Gamble Friday night, Arch Oboler will have 35 picked men from the downtown Philharmonic ranks to provide the mood music, bridges and theme Gordon Jenkins, RKO maestro, conducts.

That touches a new high for the class and number of a background crew.

BILL KOSTKA'S NBC LINE-UP

William Kostka, head of the department, has effected a number of changes in the NBC press department at Radio City in response to the interest in this function being taken by Frank Mullen, NBC's new general manager.

Earl Mullin now sits in the slot and acts in the role of a managing editor of NBC publicity activities.

John McTigue, who has been on the night side for about four years, is now in on the day side under Charles Fekor writing stories on commercial programs. Warren Gerz, formerly rewrite man on commercial show, has been promoted to special feature writer. Clinton Mosher, who for 15 years was with the Brooklyn Eagle and ran the Eagle's Washington Bureau for five years, has been added to the staff as a special writer.

William Neel has taken over the editorship of the night side and has as his assistant, Alton Kastner. Floren Marks, formerly a staff writer, has been made photo editor. In addition to handling all pictures, she is in charge of a new photo service which has just been inaugurated by Kostka.

FORD BILLINGS TO WCKY AS SALES MGR.

Cincinnati, Oct. 1. Ford Billings becomes sales manager of WCKY, to succeed E. C. (Jim) Krautner who has resigned. Billings takes over Oct. 15 at the L. B. Wilson plant. Since February, 1939, he has been sales manager of the Westinghouse stations, WOWO and WGL in Ft. Wayne, Ind.

Some time back Billings was in Cincinnati for two years as director of broadcasting at WLW. He later was with stations in Hartford, Buffalo, and for Hearst Radio in Pittsburgh and on the West Coast. Another of his connections was with Radio Advertising, Inc., a time buyer, when he spotted more than \$4,000,000 of biz with 70 odd stations in one coast-to-coast trip.

Lawson of Reading, Pa., Is Eye-Opener for WTIC

Hartford, Oct. 1. WTIC's picked up another troubadour act, Hank Lawson and his Knights of the Road, tramp band out of Reading, Pa. Five-piece outfit spotted in daily 6 m. eye-opener.

Gene and Glenn, veteran song duo long in Cleveland, pitched camp at WTIC several months ago and feeds NBC from Hartford. Twosome also doubles at personal appearances through Connecticut and Massachusetts.

HOPES TO GET SHARPER DETAIL

Non-Profit Group Revises Its Technique for Fourth Time Since 1935 in Constant Effort to Expand and Improve — Newest Method Should Focus Differences More Clearly in Low-Rated Daytimers

OTHER SLANTS

For the fourth time since 1935, the Cooperative Analysis of Broadcasting is making a sweeping refinement in technique when a radically revised system of telephone inquiries is put into effect this week. This innovation, contemplated and tested for several months, will more nearly bring the non-profit organization's methods into the way of current research without, however, running afoul of that bugaboo of all surveys—an overhead too staggering to warrant the refinements.

To bring about a sharper focus on program ratings without financially taxing itself and its members to death, the C.A.B. has now adopted the following program:

1. Telephone calls are to be made at 9 a.m., 11 a.m., 1 p.m., 3 p.m., 5 p.m., 7 p.m., and 9 p.m., plus a special set of early-morning phonings to catch ratings on the post-9 p.m. shows of the night before. In short, the C.A.B. will hereinafter make exactly twice as many calls per day as under the old method which scheduled calls for 9 a.m., noon, 5 p.m., and 8 p.m.

2. The size of sample, in accordance with this stepped-up schedule, will increase from 500,000 completed calls per annum to 700,000 calls.

3. The C.A.B. subscription rate has been revised to cover the added expense of sample and testing.

Although the C.A.B. has not itself enumerated the benefits it expects to accrue from this new program, it is not difficult to see the goal in mind. During the past several years programs on the networks have become so specialized in many instances that it takes a micrometer to measure their audiences with any degree of accuracy, and simultaneously there has been such a rush of daytime programs (all of the same general setup) that it takes a second micrometer to find out exactly what housewives did listen to. In other words, the C.A.B. has been up against the problem of measuring both 'specialization' and 'sameness' without making itself prohibitively expensive.

Closer Focus

Under the new C.A.B. method, it is probable that the oldtime high-rating shows will not be much affected in ratings one way or another. For it stands to reason that should they be greatly affected, both the old and/or the new C.A.B. method would be haywire. On the other hand, it can be anticipated that shows with lower ratings will be brought into much clearer focus. Statistically this maneuver probably will place the C.A.B. into a much more impregnable position than before. In some instances in the past the low-rating shows were in such focus that the so-called 'probable error' was great enough to erase the rating. It is expected that this technical ticklishness will hereinafter be largely wiped out, at least pretty radically modified.

Meantime, the new method almost kills another drawback of the old: that is, the differential in time zones across the face of the U. S. Since the old method required only four calls per day, the difference in time zones also made a huge difference in the shows being rated, zone by zone. The chopping-in-half of the interviewing interval largely eradicates this difficulty.

In arriving at its new technique,

Musicians Union Certain to Exploit 1939 FCC Data on Station Rolls; Seeks More Jobs for Members

Radio the Incredible

San Francisco, Oct. 1.

Appearance of Elliott Nelson, a service station employee, who sang 'Water Boy' on Dean Maddox's KFRG amateur hour last week didn't win him any stage contracts but netted him a pay-off. Prelim quizzing revealed chap was dissatisfied with income. 'Well, cracked Maddox, 'if 50 new customers come in and ask for you this week, maybe your boss will give you a raise.'

Lad named location of gas dispensary and so many customers drove in asking for the 'Water Boy' that he hit boss for the raise—and got it. Celebrated by wiring the news to Maddox just before this week's show.

Washington, Oct. 2.

When the Justice Department slows down its head-cracking campaign against organized labor—either because of court reverses or political influence—the broadcasting industry is liable to feel the backfire effect of recent FCC figures on employment. The musicians are ogling without any attempt to hide their uneasiness.

At the present the strike threat seems to have passed, despite repeated hints that the American Society of Composers, Authors and Publishers is seeking help from the American Federation of Musicians for the apparently inevitable test of strength when current music licenses expire. But as soon as the time is considered ripe, the tunesters are almost certain to make new demands on their own account.

In any revival of negotiations between A. F. M. and the industry, the FCC report on 1939 payrolls will be of great significance. The disclosures were something of an eye-opener to the union heads, who are not at all pleased at being temporarily forced to pull in their horns. Chief excitement results from the fact that, according to responses to the annual Commish questionnaire, less than 2,300 of the full-time workers of 705 stations and three webs are staff musicians. This is out of a total of 17,785 regular hired hands on the payroll for the sample week.

Dreaded High Pay
Fact that the tunesters had the highest average weekly pay (\$47.53 of all program people working at the individual stations and got an average of \$125.00 from the web—almost twice the typical check for any other network program workers—will not cut much ice. The union is out to take care of the biggest number of its card-carriers. At present there are over 12,000 tooters, fiddlers, ivory-pounders, and other performers belonging to A.F.M. Exactly how many regular employment is not known, though union heads wait continually about high rate of joblessness.

To counter any reply that their members are well paid, the musicians are readying to point out that radio's boast of a high average wage rate would be seriously undermined if the musicians are eliminated. Without the tunesters, the typical check for hired help considerably lower in many instances, especially within program departments.

Another talking point in the FCC summary is the relationship between full-time and part-time work. Among the 705 commercial outlets, 897 tunesters are employed now and then, more than one-third of the number who were on the regular payroll. The webs are well set to answer any argument of this kind, for they had only 20 spare musicians on the roster as against 387 full-timers in the sample week.

'Information, Please' Disc On WMCA Tuesdays With Network Shift to Friday

Transcribed versions of 'Information, Please,' will fill the latter's Tuesday 8:30 p.m. slot in the New York area after the live show shifts Nov. 15 to a similar time on Fridays. With the change the show's sponsor will become American Tobacco Co. for Lucky Strike. Cigar maker will underwrite the plattered setup on WMCA, N.Y., in order to keep the Tuesday spot. Program is now on NBC's Blue, but after Nov. 15 will ride the Red.

Setup calls for each Friday evening show to be transcribed and repeated on Tuesday via WMCA. Latter's starting date is not yet definite, but it's expected to be Nov. 19.

G.E. RUNS WGY, HAGER STAYS

Schenectady, Oct. 1.

General Electric today (Tuesday) resumed the programming of its local 50,000-watt. WGY thereby gains complete operation of the station for the first time since 1932. The agreement giving NBC the programming franchise for WGY was to expire at the end of this year, but GE elected to make the change at this time.

Kolin Hager remains as head of WGY. NBC had considered bringing him into New York as an assistant to William B. Hedges, v.p. in charge of NBC m. and o. stations. (As things now stand NBC is not operating in any way stations licensed to such electric as Westinghouse and GE.)

RUNYON EAST ON NEW RADIO AGENCY DEAL

Hollywood, Oct. 1.

Jack Runyon heads east this week to talk over a radio deal with a major agency following his resignation as radio director of Buchanan agency. He was Coast radio head for Lord & Thomas for 12 years before joining Buchanan.

With Texaco moving its origination east for Fred Allen, Buchanan outfit will be without a Coast show.

It is understood that the C.A.B. made some interesting experiments. For one thing, ratings under the old (four-per-day) method were compared with ratings obtained via meters. Here it was discovered that uniform correlation between ratings ceased to exist after roughly a two-hour interval. This does not necessarily mean that the old C.A.B. method was faulty or that a listener's memory goes dead in two hours. But it might indicate that where programs are highly specialized, or appeal only to particular sectors of the audience, some 'weight' should be applied to them to get a truer picture. This 'weight' is now being brought to bear via the hypothesized phoning.

Undoubtedly, once the C.A.B. gets its new method in full swing, some minor revisions will be inaugurated to kill off whatever 'bugs' still exist after the test period. Reputedly, however, current subscribers have all kicked in the extra tariff in the belief that the new method is the answer to drawing a bead on the specialized program, and getting the whole program picture into better relative shape.

FCC Unravels in WBAX, Wilkes-Barre, Another Station Manipulation Case Reminiscent of WSAL, Salisbury

Washington, Oct. 1. Spicing of WBAX, Wilkes-Barre, Pa., from the record, was tentatively decided upon Friday (20) when the Commission entered a proposed finding to the effect that John H. Stenger, Jr., applicant, was neither financially qualified nor of the 'character' to hold a license.

After reviewing approximately four years of the 'who's-got-the-button' career of the station, it was determined that the financial qualifications of the transmitter which 'in every year subsequent to 1922' has run in the red, should be terminated with the least possible delay.

Requiring 10 pages (single-spaced) in which to comb out the tangled skein of Stenger's business transactions, Commission found that the station had been variously operated and controlled by other interests, that stock-swapping had been engaged in and that numerous other enterprises had been tried out without benefit of a government okay.

Long story began with the request by Stenger for a renewal of WBAX's license (1210 kc. with 100 watts) back in the fall of 1938. This application, however, was set down for a hearing to determine what hand the Stenger Broadcasting Corp., of Glenn D. Gillet, had had in the operation of the station.

A 1936 agreement, according to the Commission, was made by applicant with Charles B. Waller. Under which Waller was granted an option to buy WBAX 'and its license' for \$25,000. Waller, at that time, was director of Wilkes-Barre Record Co., which recently was merged with the Leader Publishing Co.

The Waller option, according to the record, was assigned in December, 1936 (five months later) to Anthracite Broadcasting, Inc., some of whose officers and subscribers were connected with the Leader Publishing Co. Ernest C. Smith, president of the new company, owned all of the common stock of the Leader Publishing Co., and the entire issue of preferred stock was owned by his wife and children.

With a cash transaction of \$500, Anthracite undertook to take over the station and its operating promises to pay a total consideration of \$25,000. The right to terminate the agreement within six months was reserved by the assignee and funds for operation of the station were guaranteed by the purchaser. The Anthracite Company expended \$4,788, with \$4,430 of this sum going for a transmitter and other equipment still in use at the station.

A Family Set-Up

A family corporation, comprising Stenger, Jr., Anna C. Stenger, his wife, and John H. Stenger, Sr., his father, was formed in May, 1938. This outfit—Stenger Broadcasting Corp. had an authorized capital stock of 500 shares of common (par value \$100 per share) of which 40 shares were issued in the name of Stenger, Jr., president; five in the name of Mrs. Stenger, secretary, and the remaining five in the name of Stenger's father. Right, title and interest to the station were simultaneously assigned to the Stenger corporation.

Effective at the same time—and with the consent of Anthracite—was transfer of control and management of WBAX for a term of 10 years (or to May 6, 1948) to Glenn D. Gillet, Washington radio engineer, and an associate whose name was not disclosed at that time. All time on the station was sold to Gillet and his unnamed partner.

Recalling the WSAL, Salisbury, Md., case—where Gillet and a Washington attorney, James W. Gum (also retained in the WBAX tangle), were charged with misrepresentation of ownership and control—the Wilkes-Barre intrigue disclosed the 'cutting-in' of outsiders to manage and operate WBAX in the name of the Stenger Broadcasting Corp.

Stock in the corporation was jiggled back and forth between numerous parties until, finally, Stenger—accompanied by local police officers—forcibly entered the station and seized the accounts of the broadcasting corporation and immediately assumed control of physical operation and programs broadcast and remained in possession of the station until May 1, 1939, at which time an injunction, which still is in effect,

was issued against him by the county court. The breaking and entering was effected April 25 of the same year.

Without permission from the FCC, agreement was entered into between Stenger and various persons residing in the vicinity to form a new corporation—WBAX, Inc.—but proceedings were stayed under the injunction previously mentioned. Upon learning of the legal cul-de-sac, Commission cracked down with a charge against Stenger, Jr., of 'false statements' as to his liabilities and assets, and the charge that WBAX was operated by individuals other than himself at a time when he reported, under oath, that he was still the owner and manager of the station.

In its final conclusions, the Commission declared that Stenger was not financially fit to run the station; that his 'character' is not such as to qualify him to hold the license of a radio-broadcast station; and that rights and licenses of WBAX had been transferred to Gillet, Marcy Eager, and the Stenger Broadcasting Corp. without permission from the Government agency.

The application has relinquished control of this station and his right to exercise same; and has failed to discharge properly the obligations made incumbent upon him in licenses which he has received from the Commission, the proposed findings declared. The granting of the application... will not serve public interest, convenience, or necessity.

5-10c STORE USES KIRO TENTATIVELY

Seattle, Oct. 1. F. W. Woolworth Co., which recently opened an \$800,000 store here, is using KIRO to test the pulling power of radio for a five-and-ten-cent store. Besides three half-hour remotes from the store, Woolworth has committed itself for 70 spot announcements during the week.

Store's programs were composed of local talent and speeches by chain executives and civic leaders. Lynn Baker Co., of New York, is the agency.

Start the Washington WINX

Washington, Oct. 1. First bid for local advertising contracts was made last week by WINX, new station for the Nation's capital which makes its bow Oct. 15. Advertising itself as 'designed to service the home folks'—in a town which has four transmitters, each affiliated with a national network.

WINX offers one hour for \$75; one-half hour for \$45; one-quarter hour for \$30; 10 minutes for \$26 and five minutes for \$15. Rate is for a single broadcast and—for the maximum of 312 times—is scaled down to \$25.50; \$21.50; \$18.50 and \$10.50 each broadcast, respectively.

Debut of WINX means a change in automatic push-button radios of Washington, Virginia and Maryland fans—particularly where the receiver accommodates only four stations. Large increase in population of the Nation's capital, during the past decade, probably leaves plenty of room for a fifth transmitter, however—particularly in view of an expected 'wartime boom' at the nerve-center of the U. S.

NBC Shoeshines Back

Shoeshiners are now allowed in the NBC offices at Radio City, New York. They were banned under the regime of Lenox Lehi, Frank Mulen, who opened the gates again.

Under the Lohr days, certain of the push-up boys with an eye for trade were quietly bootlegging shines to certain employees, but now that repeal has been ushered with a division of floors, the bootleggers are shut out from their former customers.

WPSD Bids for Drafts

Toledo, Oct. 1. WPSD, Toledo, has donated the use of the entire third floor of the Broadcast Building, which it owns, for use of the board of elections. Will be used for registration.

AMBITIOUS YOUNGSTERS

James McCloskey, Mail Roomer, and Ralph Denu, Page, Trying

Couple of minor office employees of Columbia in New York are trying to get into the production end of radio by taking after-hour jobs at small stations in Greater New York. They are James McCloskey, mail-roomer, and Ralph Denu, a page on the 18th floor. Both have their other jobs during evenings and over weekends.

McCloskey, a production man at WHBI, Newark, is currently readying a dramatic series for audition for prospective sponsor over WAAT, Jersey City. Denu, who recently completed engineering course at RCA, is employed in his spare time at WARD, Brooklyn.

Utah Regional Fully Staffed, Begins Airing

By JUNE METCALFE

Salt Lake City, Oct. 1.

Intermountain Network, newly formed Mutual outlet in Utah, began operation Sunday (29) with the first Mutual program coming in at 8:30 a. m., followed immediately by a salute from WOR at 8:45. Through-out the day other salutes from WGN and KJH arrived via the temporary re-routing of transcontinental Mutual lines from Denver through Provo, Utah. Eventually, service will be through Price, which will pipe it to control points at the three units, KOVO (Provo) and KLO (Salt Lake and Ogden).

Intermountain network will have its selling and producing headquarters in Salt Lake, where offices and studios have been set up. Initial schedule calls for eight to ten programs originating in the Salt Lake studios and the same number from Ogden. Provo will contribute news commentary once weekly. Mutual will be carried exclusively by KOVO and KEUB, but KLO will continue to carry NBC with Mutual.

Officers of the network are: Paul R. Heilmeyer, KLO, president; Arch Richards, KEUB, vice-president; Arch Madsen, KOVO, vice-president; Clifton A. Tolboe, treasurer, and A. L. Glassman, National advertising manager will be Socs N. Vratits, program director is Hal Parks, and sales executives are Phillip Speckhart and N. Smith Pratt. Receptionist, Wilma Hendricks.

TYSON'S ANTI-CLIMAX

Staged With the Tigers Right Up to the Big Event.

Detroit, Oct. 1.

After carrying the Detroit Tigers broadcasts through the strenuous American League campaign, Detroit's WWJ will not be broadcasting the World's Series in this town, rated with Brooklyn as the hottest baseball fan city in the country. Instead, the broadcasts for this area will be coming through a Canadian Station, CKLW, in Windsor, Ont., across the river from here. For the entire season the baseball games have been broadcast by Ty Tyson, alternating days under the sponsorship of General Mills and Socony Vacuum, over the Detroit News-Station. It was tough going during the early days of the race, with the Tigers picked for the second division and far down in the standings. Interest didn't surge up until late in the season when the Tigers became hot contenders, finally winning by one game.

Now with interest here at fever pitch, the World's Series with Cincinnati will be aired via the Mutual Network. Series rights are sold separately through the baseball commissioner with the tag this year for the seven games being around \$100,000. The money goes into the baseball players pool for various divisions. Mutual took over the series rights, always sold exclusively, under the sponsorship of Gillette Razor Co. WWJ in the NBC chain with the Mutual outlet in this area being the Canadian station.

Winona Starner, vocalist, has joined the 'Hawkeye Dinnertime' hour-long, noonday variety show on KSO, Des Moines.

From the Production Centres

IN NEW YORK CITY

Assembling the Fred Stone family for the special in-person audition recently arranged by director-promoter Maurice Joachim was not an easy problem in traffic control. Dorothy, Paula and Charles Collins were in Hollywood; son-in-law Duke Daly was in Providence with his dance orchestra... Harold M. Sherman, the novelist, is authoring 'The Stone Family Boarding House.'

Death of Buddy Byron at Lakeview, Maine, has probably ended idea to have his dad, Arthur Byron, Sr., star in radio serial co-authored by Buddy... Sydney Moseley, the Britisher, had his time on WMCA sold away from him... may step into niche vacated by Elliott Roosevelt.

Lew Lehr was still confined last week to Lowell Thomas' home in Pawling, N. Y., where he had been taken two weeks before following a heartburn attack during a charity softball game. Lehr's doctor had advised that he not be moved awhile... Fred Allen sent out telegram invites to a party he was tossing after his debut broadcast for Texaco for it—as well as the party... NBC put on a cocktail party Sunday afternoon (29) for Lowell Thomas to mark his 10th anniversary on the air... A third spread was that of Lipton Tea (Lever Bros.) and Young & Rubicam, to celebrate Helen Hayes' opening on CBS. In this case it was a buffet supper at the Waldorf Astoria.

Connie Ernst, formerly production assistant on Columbia's 'Pursuit of Happiness,' produced last Friday's program for G. W. Johnstone, radio director of Democratic party... with Mrs. Roosevelt, Robert E. Sherwood, Katharine Hepburn, William Saroyan and others... Ed Fitzgerald, radio columnist over WOR, will teach a course of radio writing this season at the University of Newark.

George Zachary directing 'Short, Short Story' for Campbell's soup during Paul Stewart's RKO picture stint on the Coast... Brewster Morgan, CBS director, back from the Coast and will handle next week's Workshop program... Les Damon and Cliff Soubier will move to New York to continue the male leads in 'Lone Journey' when the show shifts east Oct. 21... Bill Meeder gets the organ assignment.

IN HOLLYWOOD

Hollywood's own radio show, Screen Guild Theatre for Gulf, won't be heard on the Coast at its usual time as in seasons past. Cinema mob will have to take it by transcription late at night as petrol outfit is not buying a local outlet due to no merchandising along these latitudes... On the other hand, Coasters get a double dose of Grove's 'Sherlock Holmes.' Gum-shoe goes the full length of NBC's blue from Hollywood at 5:30 p.m. and four hours later is repeated on the Coast red... Bill Murray, of William Morris, hopped east after seeing 'Those We Love' launched... Merry Mars give way to dual piano team of Bill Jordan and George Kent after 13 weeks on the Al Pearce show... NBC looking around for studio space on Thursdays, with five audience shows clamoring for four auditoriums... Jimmy Newell testing for pictures at 20th-CFL after a summer on the Ford Hour. He used to be Republic's 'Rentrow of the Mounted' and also has Met opera ambitions plus a nibble. Some jump—from the cactus country to the golden horseshoe... William Robson last week thought the script for Woodbury Playhouse too closely paralleled the de Tristram kidnapping up north and called in his writers for a quick substitute. After a three-hour huddle around the typewriter, with Robson sketching the plot, they came up with a fresh play. They liked it so well that only a few changes were made for the Coast repeat... Ralph Bowman, who has been cast opposite Martha Scott in the serial, 'Career of Alice Blair,' is the former John Archer, who was handed that name for finaling in the Jesse Lasky 'Gateway to Hollywood' competition last season... More than 100 players show up for 'Big Town' auditions... Clark Gable and Ann Sothern are set in 'Red Dust' on Screen Guild Theatre Oct. 6... Busy weekends ahead for Tom McKnight, who produces 'Sherlock Holmes' on Sundays and 'Blondie' the following day... Rexall bought three transcriptions topped by Ken Murray, Kenny Baker and David Broekman's music... Norman Corwin returned east to talk over radio and stage offers after completing the adaptation and screenplay of 'Two on an Island' at RKO.

IN CHICAGO

With 'Woman in White' moving to CBS, new cast members include Bob Griffin, Eddie Firestone, Jr., Forrest Lewis and Phil Lord... Bob Guilbert added to cast of 'Stepmother,' which moves into an earlier time starting Oct. 7... Bill Croker returns to WGN news staff after a year as program director and announcer at WDMS, Marquette (Mich.)... Charles Victor added to WGN Spiegler gang... Harry Bingham, radio department chief of Blackett-Sample-Hummert, recouping from appendectomy.

Allen Wallace producing Fritz Block's 'Captain Midnight' which is on the air this year over Mutual for Ovaltine through the Blackett-Sample-Hummert agency. Last year was sponsored through the same agency by Skelly Oil... Tobe Reed takes over as m.c. of the Fitch Bandwagon show next week... Fred Sullivan added to cast of 'Arnold Grimm's Daughter'... Edith Hendrick joins the Ray Noble orchestra as a canary.

IN SAN FRANCISCO

Camillo Romo, NBC singer, personalling at Royal Hawaiian, nitery... Dorothy Allen has deserted local sustaining shows to join Shop Fields as vocalist... Nathaniel Faithorne, KFSO engineer, bids goodbye to his knobs and meters this week to move to S. F. Presidio, where he's just been commissioned a First Louie... NBC has juggled offices to provide divorced quarters for Red and Blue sales gangs... caged together for the Blue (KGO) are Ray Rhodes and King Harris, plus Ann Holden of KGO's Home Forum and sexy Florence Larsen... The KFO-Red room holds Glenn Tice and Ed Barker, abetted by Gmery Cronkite of players International Kitchen and Lois Reedy... setup was worked out by Al Nelson to make things easier for Harry Bucknell, Red chieftain, and Gene Grant, Blue supervisor... Bob Bence, KFRC chief announcer, has been assigned to Art Linkletter's new 5-a-week Crackerbarrel forum show.

Mel Allen Barbasoling

Mel Allen, doing the between-innings color stuff for Gillette razor's World Series broadcasts over Mutual, will start a new three-a-week sports show over CBS for Barbasol as soon as the baseball tilts are finished. New stanza will have five minutes each on Tuesdays and Thursdays and fifteen minutes Saturdays. Erwin Wasey is the agency. Spiegler, who just completed the season's Yankees and Giants home games for 'Camel' cigarettes (Easty agency), will continue to announce Procter & Gamble's 'Truth or Consequences' Saturday nights as well as the same sponsor's daily serial 'Vic and Sade'. Both are Compton agency shows. He also continues his usual dates on the CBS late-evening 'Sports Time' Saturday.

NO NAME, JUST ABLE, GETS JOB ANYHOW

San Francisco, Oct. 1. Dave Drummond, long producer of 'Hawthorne House,' has finally the writing chore, replacing Ted Maxwell after efforts to find suitable outside writer with 'name' failed. Maxwell is now in Chicago. Drummond, a Chicago native, qualified for job but name was sought to impress agency and sponsor (Wessen Oil). Cast changes on veteran half-hour serial include addition of Jack Moyley, Sam Edwards and Florinda Stephens, replacing Monty Monahan, Ed Firestone, Jr., and Bobbe Deane.

ROYAL'S NEW STATUS PENDS

Mason-Dixon Unionism Is Imminent; Labor Board Orders Vote of Engineers

Washington, Oct. 2. Collective bargaining 'election' has been ordered by the National Labor Relations Board at four of the seven Mason-Dixon Group outlets. Transmitter operators will state preferences already made apparent by analysis of union membership rolls. Federal outfit rejected the contention that technicians of all seven stations should be considered one 'unit' for collective bargaining purposes. The Associated Broadcast Technicians, hitched up with the American Federation of Labor, start out with a considerable advantage, since the Wagner Act enforces, first, that operators at each station constitute an appropriate 'unit' and, second, that polls are required only at the outlets where admittedly the A. F. of L. crowd is in a majority.

Going through the motions will occur within 30 days at WGAL, Lancaster; WORK, York; WILM and WDEL, Wilmington. Question is whether the union shall talk to the employer or the technicians make individual bargains. Order of the N.L.R.B. shows that all four transmitter operators at WGAL, both of the two at WDEL, two of three at WORK and two of three at WILM carry union cards.

Contention was made that since all seven stations of the Mason-Dixon group, technically owned by different corporations, are synonymous since the stock in each is held by the same individuals and the outlets operate as a single unit. But the N.L.R.B. sided with the wage-earners, remarking there is no history of collective bargaining on any basis and admitting that organization has not taken place in the other three outlets.

Charles Dameron, WLW, To Tour Dixie Area

Cincinnati, Oct. 1. Starting Nov. 1 Charles Dameron, who as Happy Dan heads the Happy Dan and His Radio Pals show, heard each weekday morning on 15 Southern stations via transcriptions, will appear with the troupe at theatres in Tennessee, the Carolinas, Georgia, Alabama, Florida, Louisiana, Mississippi, Arkansas and Texas.

On the Crosby staff, Dameron and His Pals do their recordings in the WLW studios here. They are sponsored by United States Tobacco of Nashville. P. A. bookings are through General Program Service, WLW subsidiary, and under supervision of Jack Bell.

Troupe will make the tour in a bus.

Boice As WQXR Sales V.P.

Hugh Kendall Boice, who left Benton & Bowles last year to take the executive vice-presidency of Elliott Roosevelt's projected Transcontinental network, has joined WQXR, New York, as vice-president in charge of sales.

New exec will have supervisory and general station policy duties. Robert M. Scholle, WQXR sales manager, will continue in direct charge of the sales force.

Kern With Jack Latham

George Kern has joined Jack Latham's staff at Benton & Bowles as time buyer.

Kern came from Blackett-Samuel-Humert where he did space-buying and contacting.

Cliff Gross Bunch At WINN

Louisville, Oct. 1. Cliff Gross and his Rambling Cowboys in town airing a daily shot on WINN. Lads were the original crew to stump for Gov. W. Lee O'Daniel of the Lone Star State. Also appeared in a couple Gene Autry pics.

WOR's New Spot Policy

WOR, New York, has decided to sell spot blurbs throughout its schedule. Formerly limited acceptance of this type of radio to certain specified times.

Mulled the pros and cons for months before deciding.

HERB SANFORD TO N. W. AYER

Herbert C. Sanford is leaving Batton, Barton, Durstine & Osborn after a connection of 13 years. He has been identified with 20-odd radio series since 1927.

As of Oct. 14 Sanford will join N. W. Ayer in New York as production associate to H. L. McClinton, the radio director.

DANA WATERS OF WSB NOW CIRCUIT CLERIC

Atlanta, Oct. 1.

From microphone to pulpit—that's the saga of Dana Waters, veteran WSB announcer, who last week resigned to become pastor of six rural churches in Georgia. Waters, for a long time, has aspired to the ministry and has been a student at Columbia Theological Seminary in nearby Decatur. He worked at the station afternoons and nights and quit when the opportunity came to acquire a circuit of churches.

Young preacher has been on WSB's staff since 1931 and, in addition to spicing stunts, has served with engineering, commercial and program departments. He was staff's senior announcer when he quit.

'It's what I've always wanted to do,' said Waters. 'When I first got into radio it was with the intention of making a living until I could prepare myself to preach.'

Waters will soon receive his bachelor of divinity degree from Columbia Seminary, but he's already busy riding his Georgia circuit and delivering sermons, which ought to come easy after nine years of talking to an unseen congregation of millions with the aid of WSB's 50,000 watts.

THE FIRST WESTERNER

Charles Brown Moves East for NBC Promotion Berth

Hollywood, Oct. 1.

Charles Brown, NBC sales promotion manager, Hollywood, moves east this week to assume a similar capacity at the network's managed and operated stations. Marks the first time that the web has picked a man from the western division for a New York executive post.

Carroll Carroll to L. A.

Carroll Carroll, who has been spending his vacation in New York for past several weeks, left yesterday (Tuesday) for Hollywood.

He's the regular writer on Kraft Music Hall.

KFBI Singer Injured

Wichita, Kan., Oct. 1. Robert Dey, 21, singer identified with KFBI and more recently with KFBI in St. Francis hospital here suffering from serious injuries received when his automobile overturned.

His parents and sister were killed in an automobile accident in Colorado last year while the family was on a vacation trip.

STROTZ RUMOR HURRIED NBC

Withdrawing After Nine Years as Program Vice President; Royal May Stay With NBC or Play Part in Nelson Rockefeller Pan-American Cultural Plans

PRESTIGE HIGH

John F. Royal is to step out of the program department at NBC after nine years and Sid Strotz from the Chicago office is to step in. This prospective change of high executive personnel became known over the week-end. Not only became known, but the story is an away from NBC creating some embarrassment, because while the first step was decided upon, the nature of John Royal's future assignment was not.

There are a couple of involved ideas pivoting around Royal. And it was impossible to complete the details or prepare an official story when the flood-gates of rumor were opened. One idea that has not had an opportunity to germinate is reported to concern Royal becoming a radio ambassador in the cultural relations division of the United States Department of State of which branch Nelson Rockefeller is the head.

Not much has been heard about this State Department sub-division at Washington since young Rockefeller got the job some months ago, but insiders understand that Nelson himself and the Rockefeller family, will not be content with an empty performance by their scion. There has been lots of masterminding of how best to implement the whole movement which has a Government grant of some \$3,000,000 behind it. As understood there is to be a radio, a press, and a film division. Royal has been mentioned as the man for the radio assignment. However the fly in the ointment is salary and there has been a proposal put to David Sarnoff, it is understood, for NBC to give Royal a leave of absence to accept this special chore for a year or two. Premature state of this idea goes without saying.

(Karl Bickel and Jack Whitney are expected to be the press and screen frontiers for the Pan-American cultural development. Until now most Pan-American movements have been confined to speech-making and fine phrases but practical steps are now expected.)

Wildly Travelled

Royal has made half a dozen trips to South America and is known to be a great figure in the eyes of broadcasters there, also in Europe where he has travelled extensively for NBC. As recently as two weeks ago Royal was in England, Spain and Portugal.

(This week's VARIETY includes radio criticism of a Brazil-sponsored program and also the 'Latin' plot of 'I Love a Mystery' which are apropos of this aspect of 1940 broadcasting in impingement upon international affairs.)

Best information available concerning Royal is that he and Niles Trammell have not seen eye to eye on program administrative matters. Trammell wishes to have his former Chicago colleague, Sid Strotz, to work with. However, it is understood Trammell and David Sarnoff have the highest regard for Royal and wish to retain for NBC the benefit of his great experience, world wide contacts and personal popularity.

Gilman No Like

Several months ago there had been talk in top RCA-NBC circles of effecting a general reshuffling which would find Don Gilman, NBC's Pacific v.p. in Chicago, Strotz in New York and Royal on the Coast, but nothing came of the proposal. The indications are that this arrangement won't again prove

Old Gold Shifts to Mass Appeal Type Show for Spot Placement

Nash Starts Oct. 7

Nash has put off its sponsorship of John B. Kennedy's five-minute newscasts nightly on the NBC-blue until Monday (7) because there had been some delay in the delivery of the new cars to the dealers.

Commercial tieup with the series was to have begun last Monday (30).

WOL SUES WAHL ON WRONG BASIS

Suit of the American Broadcasting Co. (WOL, Washington) against The Wahl Co. and Biow Agency for \$240,500 was dismissed for a second time in the N. Y. federal court Wed. (25) by Judge Samuel Mandelbaum. Like his predecessor, Judge John Clancy, Judge Mandelbaum granted plaintiff permission to amend its first cause of action.

Plaintiff is the owner of a radio program entitled 'Double or Nothing' and claims plagiarism in the defendant's program entitled 'Take It or Leave It'. It is asserted that WOL started to broadcast its program April 21, 1940, and made a deal with the William Morris office to sell the program and set up a deal whereby the Brown & Williamson Tobacco assertedly agreed to sponsor the program starting at \$750 weekly for the first 13 weeks and running to \$2,000 weekly if options were picked up to the end of the second year. The Wahl program in the interim caused the prospective sponsorship to be cancelled. In dismissing the action Judge Mandelbaum ruled that there was no infringement of trademarks or unfair competition. The first cause, infringement of copyright may be re-stated in a new action.

(Such actions are usually filed on grounds of unfair competition.)

agreeable to two of the parties concerned, namely Royal and Gilman.

Royal Refuses Comment

Royal declared yesterday (Tuesday) that he had no comment to make as nothing had actually been done about his status. There was a report over the weekend that when Strotz came into New York the operations of the program department and the NBC Artists Service would be assigned to his sole authority, but this was separately denied at NBC. Such merger of authority would affect George Engles, v. p. in charge of the artists service and Royal's predecessor in the program post. Before Royal came in Engles ran both program and artists service.

Few personnel changes in broadcasting has aroused such comment in the trade as has the Royal incident. As a radio showman Royal has rated in the topmost brackets. As an executive personality there have been few who have suggested so much color, enterprise, frankness and impatience with pomp and red tape. Before entering radio as manager of WTAM, Cleveland, in 1929 Royal operated for the Keith-Albee circuit, Cincinnati and Cleveland.

Strotz, who also highly esteemed, was brought into NBC's Chicago division by Trammell while the latter was in charge there. Strotz started in the artists bureau and later was put in charge of the division's program department. When Trammell was transferred to New York Strotz stepped in his (Strotz's) present spot.

Mrs. John Royal, who has been seriously ill with a dilated heart all summer, was rushed to the hospital last week and is in a serious state. Edward F. Royal, the son, has just entered the University of North Carolina.

Indications that Old Gold has elected to shift from class to mass appeal are seen by the trade in the circumstance that the entertainment of the spot campaign started to place last week revolves mainly around a singing act, the Texas Rangers. Also that in Columbus (WHKC), for instance, the advertiser is using another such group, the Buckeye Four. Rangers series will clear over CBS Coast network two evenings a week and be taken off on wax (by Columbia's transcription dept.) for distribution over some 20 stations in various sections of the country. Martha Mears, former sustaining vocalist for NBC in the east, will be regularly cast with the Rangers coterie. Bill Robson, Coast producer for Lennen & Mitchell, agency on the Lorillard account, will have charge of the studio end of the series. All spot schedules will be on a night-time basis.

Among the other stations already set for the Rangers transcriptions are WHAM, Rochester; WSYR, Syracuse; KDKA, Pittsburgh; WTAM, Cleveland; WCCO, Minneapolis; WHO, Des Moines; KMBC, Kansas City; WXYZ, Detroit, and the Michigan Network. On WGY it will be the Landt Trio, Monday and Friday, while WGN, Chicago, will have Bob Elton doing three sportscasts a week in behalf of the same account.

WLW, Cincinnati, will also air one of its own shows for Old Gold two quarter-hours a week. This will consist of Jack Fulton and a house combination under William Stoess' direction.

Phoebe Gale Weds Boss Frank Russell Under Auspices of Trammell

Washington, Oct. 1.

Most of the local NBCers were scooped last week by their boss. When Frank M. Russell, web's Washington vice-president, and Marian Phoebe Gale, head of the information and publicity force for WRC-WMAL, set out to get hitched, only a small fraction of the staff knew why they were going to New York.

Wedding, which was stage-managed by Niles Trammell, was a company party. No outsiders attended. Even the relatives were left behind, although informed in advance. Ceremony at the Trammell apartment was performed by Dr. Walter Van Kirk, Congregational preacher who directs the web's 'Religion in the News' feature. Music by Frank Black, director of the web symphony (with the symphony left out).

Guests included M. H. Aylesworth, former NBC prexy; Frank Mullen, v.p. and general manager; Mark Woods, web treasurer; and Mrs. Gladys Murphy, Russell's secretary.

First time for Miss Gale, who has been on the NBC payroll for several years, and second for Russell. Marriage took place Wednesday (25).

DOROTHY THOMPSON CO-OP ON MUTUAL

Dorothy Thompson's cooperative commercial is to be Mutual, starting this Sunday (6). Period is 8:45-9 p. m. This is the Fred Mayer proposition which had originally been submitted to the NBC-blue. Pilot radio will underwrite the WOR, N. Y., end of the hookup.

Cal Tinney at WCAU

Philadelphia, Oct. 1. Cal Tinney began series on WCAU last night (Mon.) tabbed 'The Man Who Brings the World Down to Earth.' The program consists of homely philosophical comments on the news of the day. It will be aired five times weekly at 10:30. It's on a sustaining basis, but station execs have hopes.

As spokesman for the band, he commented on the fact that he was again playing his usual set list, explaining that he'd had previous shows because he had sat out the theme record. 'I promise to be more careful in the future,' he said. He returned to the stage to the shoutings. One discussion was about Negro and white music; the other was whether Dixieland Jazz band or the New Orleans Jazz band was better. The first outfit play a certain number. That particular program was devoted to the records of Gus Spanier's band. Burton got up to announce that he replaced those pictures that he replaced those pictures of the records. Doubts of every heap at the other end of the street. The couple were sitting there. King Von was sitting there.

'DESIGN FOR HAPPINESS'

With Gladys Swarthout, Roma Slaughter, Tom Moore, later men, Chicago Women's Symphony orch., John McCormack
30 Mins.
Libby-Owens-Ford
Sunday, 5 p.m.
WABC-RS, New York.
(U. S. Advertising)

Libby-Owens-Ford glass is bringing half-hour sessions of light concert-symphonic stuff with Zier Solomon, the 68-piece Chicago Women's Symphony orchestra and guest soloists. Tom Moore is m.c. It's an amiable and palatable offering, likely to draw a sizable audience at this late-afternoon Sunday location. Sunday's (28) opener brought Gladys Swarthout, Met contralto, and her soprano sister, Roma Slaughter, as guests. The latter said it was her radio debut and it sounded probable as she seemed nervous and consequently in unrelaxed voice. However, her tones were clear and true, so she should improve with more familiarity. Each singer did one number. Miss Swarthout's was a French shepherd song, which she handled with warm, pervasive coloring, style and aplomb. Orchestra sounds rich, full-toned and pliant, while Solomon's conducting is eloquent. Moore is a likable m.c., but the opening script was pretty coy, particularly the bit about the various artists being introduced to each other.

Two major commercials stress the idea that "glass makes homes more livable" and thus contributes to "real happiness," and urges home-owners to buy storm-windows and doors. Final plug, cut in from the various local stations, lists the addresses and phone numbers of dealers in those vicinities. Leslie Mitchell is producer and John McCormack announcer.
Hobe.

'WORDS ABOUT MUSIC'

With Kennedy Ludlum
Biographic
30 Mins.—Local
Sustaining
Daily, 7:30 p.m.
WOW, New York

Record show with a new twist, this sustaining bit is interesting and informative for the type of person who would normally tune it in. It relays biographical data concerning bandleaders currently riding the big time, going through the life in music of, as on this program, Tommy Dorsey. Half hour each day for six days is devoted to one bandleader. Instead of being a straight, colorless spiel show, however, the program digs up recordings representative of the various development stages of the bandleader in question. Scripts manage to avoid repeating details told by fan mags, etc., digging up stuff that is passed over in the usual biography. It's not easy on them, either, seeming to delight in offering records of old with musical mistakes, to compare against present releases.

Though this was a program concerning Tommy D., it began to unwind with the theme recording of Benny Goodman's band. Kennedy Ludlum handles spiel in concise fashion. Script is written by Hal Davis and Les Leiber. Wood.

'SHOW OF THE WEEK'

With Vincent Lopez, Milton Berle, Buddy Clark, Ann Barrett
Comedy Songs, Music
30 Mins.
HOWARD CLOTHES
Sunday, 6:30 p.m.
WOR-Mutual, New York
(Redfield-Johnstone)

This series resumed for its second season last Sunday (29) and the sum total of entertainment wasn't high. Milton Berle tried hard enough but the laughs weren't there. For him it was a guest occasion. He had a running gag about two fat ladies on a Staten Island ferryboat. For all the effect it had on the listeners' risibilities that intended bit of humor could have been dropped from that selfsame ferryboat and not missed in the least. Berle also had some stogees, but the material didn't help them either.

Whatever bright moments this event offered came mostly from Vincent Lopez' keyboard and his band's playing of highly listenable dance music. Buddy Clark wrapped his baritone pleasantly around such numbers as 'Only Forever' and 'Night and Day', latter a pip arrangement, while Ann Barrett passed muster in giving vocal point to a rhythm number.

'Show of the Week' has for its release a co-operative hookup. On WOR the customer is Howard Clothes, with the plug cut-in from that point stressing the price (\$22.50), fashion and the installment plan.
Oder.

BOB BECKER
Dog Talks, Dramas
MORRELL'S DOG FOOD
15 Mins.
Sunday, 3:45 p.m.
WEAF-NBC, New York
(Henri-Hurst & McDonald)

Bob Becker has been selling dog food from way back. Care of mutts, tales of heroism, intelligence, are used. Starting a new series Sunday (29), he changed his formula slightly to include a dramatization of the story of a befriended Alaskan husky. Told via the flashback method, the unfolding of how an ice country brute repaid a kindness backed up as lukewarm stuff. Scripted in dialog that could have been much punchier, the tale seemed longer than the 15 minutes the program occupied.

It was handled by one Capt. Camel, ex-member of the Northwest Mounties, whom it concerned. Program gave no inkling whether the character was being handled by a stand-in or by the Captain himself, but if he was the McCov he did a better job interpreting his experience than the writing of it gave opportunity for.

Becker's probing, at the outset informed those interested of data concerning the ability of huskies to take it. Surrounding commercials implying that Red Heart would give the family hound the same resistance. Spiels were much too long for such limited time. The very nature of the program's contents leave little chance for a disclaimer to forget the sponsor's product, making too much attention to it unnecessary. Wood.

CANADIAN RED CROSS

With Prime Minister Mackenzie King, Allen Mowbray, Herbert Marshall, Reginald Gardner, Gloria Jean and Charles Previn, Anna Neagle, Maxine Gray, Mary Pickford, Dionne Quintuplets, Dr. Allen Roy Dafee, Betty Jane Rhodes.
30 Mins.—Sunday, 5 p.m.
MBS-CBC (via WOR, New York)

These all-star, big-name charity-trailer broadcasts, more often than not pan out a bit of a clambake. This was one of the affirmative efforts, a well-blended potpourri of heart appeal and stellar mike values picked up from Ottawa (Canada's Prime Minister Mackenzie King), Hollywood (the bulk of the talent) and Callander, Ont. (Dionne Quins and Dr. Dafee).

Perhaps the lone showmanship hazard was the Canada prime minister's intro, a somewhat verbose tribute to the artists who give of themselves, etc., but it was a necessary and fitting prelude. Thereafter, Allen Mowbray, who, incidentally, is one of radio's so-called voice voices, and particularly adept for this sort of thing, accelerated the tempo with a well-placed and deftly blended potpourri of sentiment, nostalgia, music and frank charity hoopla.

Considering the not too precise aspects it all played quite well. Herbert Marshall, who, like Mowbray, possesses one of those extraordinary fine diction voices, reminiscent of the London he knew. A basically expert thespian, his nostalgic word-picture of a yestermod London was heightened further by an exceptionally well-composed musical setting.

Since the keynote, in behalf of the British War Relief (funds to Mowbray in Hollywood) and the Canadian Red Cross (funds to Ottawa), was essentially an English-Canadian charity—although emphasis was put on no geographical, racial or nationalistic or religious boundaries—the bulk of the talent was of British extraction. Proper emphasis, accordingly, was put on Mary Pickford's Canadian birth in the vocal spiel. Betty Jane Rhodes vocalized 'Danny Boy, nee Londonderry Air'. Ditto Maxine Gray with 'Good Night Sweetheart' and 'Thought of You'. Two of Ray Noble's tunes, with emphasis on his British extraction. Miss Gray did a dandy job with Dave Rose, batoning. Likewise Gloria Jean's 'What Did We Learn in School?', a flimsical excerpt, backed by the Meglin choir and Charles Previn's orchestra, was emphasized as having been composed by British songman. The program, which the proceeds from his song, went back to England to join the service.

Reginald Gardner's stint was a comedy interlude, and Anna Neagle, as a Red Cross nurse, entered a well-modulated plea for the \$5,000,000 campaign being sought in this drive. Mowbray stressed that Western Union was cooperating at greatly reduced rates for the proper transmission of funds.

Dr. Dafee was much better than his famed stippling, as a host. He did a childish doggerel in ensemble and, while packed with plenty allure and curiosity appeal, the Dionnes are still sustaining so far as their mike values are concerned. But then, what did it matter if only they said the traditional goo-goo; they undoubtedly focused plenty of mike appeal on this Sunday evening half-hour amidst a wealth of other and more diverting radio talent. Abel.

'LAUGH AND SWING CLUB'

With Morey Amsterdam, Mabel Todd, Del Casino, Henry Morgan, Van Alexander orch.
30 Mins.
Sustaining
Tuesday, 5:30 p.m.
WOR-MBS, New York.

This is frankly and intentionally corn, and palatable as such. Show has been on some time, first from the Coast and later originating with a studio audience from the Mutual playhouse, N.Y. It offers a rough and tumble brand of comedy, apparently derived more or less from the cuff and out of ex-gag writer Morey Amsterdam's file of jokes. Old stuff, but unpretentious and sometimes quite funny.

Amsterdam is m.c., stooge for his comedienne-wife, Mabel Todd and has a solo laugh spot of his own. Latter is tabbed 'Amsterdam's Melow Cello Time' and, as the comic scrapes a tired cello, he unravels a flock of ludicrously-ancient wheezes. It's the bright spot of the show. Miss Todd is in and out of the proceedings throughout, seeming to be in too much for the amount and type of material given her. She plays a dumb gal characterization, using ultra-broad comedy, usually leaning on puns. Fact that many of her lines are nasty jibes at innocuous characters, that she makes continual use of a kind of raucous laugh-howl and that much of her stuff simply isn't funny makes it an intermittently unattractive part. Gal knows how to build up a laugh and when to punch the tag line, however, and with better editing could be a sock ingredient.

Del Casino sings one number and stooges briefly for Miss Todd, while Van Alexander's orchestra delivers a couple of jive sessions. Henry Morgan, who has his own wack program over the same station, is a straight-away sponser here. As a whole, the show has a distinct flavor of its own and, with minor revisions might be a likely bet for the proper sponsorship.
Hobe.

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- 2 It has become the nation's leading "public service" network, commanding vast audiences for such outstanding institutional programs as Arturo Toscanini, Metropolitan Opera, Music Appreciation Hour, Radio Forum, Great Plays, Farm and Home Hour, National Vespers, Town Hall and world-wide news broadcasts.
- 3 It has developed the tested, "packaged" type of radio program, complete in all details, ready for an advertiser to step in and take over a known show with an established audience—the first time he goes on the air!*
- 4 It is still the most economical, coast-to-coast network "buy" in radio, for the budget-conscious advertiser who has always wished he could go "national" in a big way at small cost.

There's a choice spot and a great show on the Blue for you. Better come and get em now. The Winter buying season is just beginning!

NBC BLUE NETWORK

Sales thru the air with the greatest of ease

* See following pages for tip-offs on three top-notchers up for sale.

WORDS—vivid, compelling words sent into the home and hearts of 1,600,000 consumers after buying habits; and can increase your sales. Just use CINCINNATI'S OWN STATION
Represented by International Radio Sales
New York Chicago Los Angeles

Good evening, music lovers —and you, too, Toots!

.. Once again we bring you another concert by the world-renowned Chamber Music Society of Lower Basin Street (only one entrance—no connection with any other store). As you know, the distinguished members of this symphonic organization have consecrated their lives to the preservation of music's three B's—Barrel-house, Boogie-woogie and Blues!

"Tonight's concert is again conducted by Maestro Paul Laval, who will direct his ten termite-proof wood-winds in a moving interpretation of his celebrated work, 'Opus 33, First Door on the Left'.

"We shall also have the pleasure again of hearing Mademoiselle Diva Dixie Mason (the Society's new discovery), who starts fires by rubbing two notes together. Then there is Dr. Henri Levine and his Little Philharmonic of eight men—and no kidding! Professor Gino Hamilton is our otherwise distinguished intermission commentator, as usual.

"For tonight's special guest, we are privileged to present Dr. Rudolf Amadeus Adler, member of the long-haired school, and recognized virtuoso of the saxophone. Prof. Adler will give his reading of an early, native American folk classic. Wait until the sustaining program budget committee gets a load of this hot line-up. Wow!

"Now, Dr. Laval is mounting the podium, assisted by two members of his orchestra, and we are about to hear the opening movement of something or other. Take it away, Laval!"

There, dear readers, is an excerpt from a typical script used on the "Chamber Music Society of Lower Basin Street" programs. From it you get some idea of what to expect on this half-hour of musical mayhem (Monday nights at 9:00, N. Y. Time—over the NBC-Blue Network).

Time Magazine's music editor went overboard for the show with a two-column rave. Said he, "For all its clowning, the Chamber Music Society of Lower Basin Street is rated by jazzmen, as among the best jazz programs on the air."

This dynamic, sparkling Blue Network show is as up to date as Nylon-and-glass evening gowns. Between its lush arrangements, melodic accents, witty highlights and the torrid torching of up-and-coming Dixie Mason, the "Chamber Music Society of Lower Basin Street" is just about tops in its field.

If you don't catch it on the air, ask us to let you hear an asbestos-covered recording of the latest session. Got it?—Monday nights, 9:00-9:30, N. Y. Time

NBC BLUE NETWORK

Sales thru the air with the greatest of ease

SCREEN GUILD THEATRE

With Margaret Sullivan, James Stewart, Frank Morgan, Roger Pryor, Bud Hiestand, Oscar Bradley Orchestra under Frank Tours.

30 Mins.
GULF GASOLINE
Sunday, 7:30 p.m.
WABC-CBS, New York.

(Young & Rubicam)

There is not much doubt that in radio production circles the first broadcast of the new Screen Guild series for Good Gulf Gas will be discussed in chief relation to the script which Norman Corwin, a fugitive from "experimental" radio's stream-of-consciousness and blank verse, provided. It was a slick script that did things that are sometimes dangerous to do, and got away with them. Like, for example, telling the story through the mouth of a completely superfluous character who never once directly spoke to the two protagonists of the plot proper. The narrator could easily have been as convincing as an open switch, but through the sharply-edited working script, and with due credit to the mugging talents of Frank Morgan, the procedure proved a constructive contribution to gaiety. And gaiety was the civilized purpose of the broadcast.

The plot was simple as plots for half hours that sell gasoline or tea-spoons or tea should be. The trick is to plant the people and the situation quick, and to complicate the first and endear the latter with all dispatch. Corwin's script did just that. He arranged the elements of the original material ("The Shop Around the Corner") so that they played with complete clarity and mounting interest. And there wasn't a fluter mike called for anywhere.

Undoubtedly Harry Ackerman's direction was in keeping. Also Miss Sullivan and James Stewart are usually reliable troupers. It was the function of the Screen Guild to turn up with the stars, they being the marquee magnets for audience. But this first funny and fast entertainment ought to bowl over any cynic that believes or advocates that stars and stars alone is all that counts. The Screen Guild offerings of the past, while dotted with memorable evenings, have also had their share of near-clambers and almost always these muffs were due to script, not performance, trouble. It is therefore no slur to say that when they pay the same attention to the writing as to the casting, they turn out something pretty socko.

Roger Pryor, again, as last year, with much ingratiation, is the explained-in-chief for the time being, but not for Good Gulf Gasoline. Bud Hiestand has the commercial assignment. Hiestand is a new speller for the show and an able exemplar of the art of gas-praising. Land.

'AHEAD OF THE HEADLINES'

With Ernest K. Lindley, Joseph B. Phillips

News Comment
15 Mins.
KNAPP-MONARCH CO.
Sunday, 11:45
WJZ-NBC, New York

(Cramer-Krasselt Co.)

Knapp-Monarch is using this tieup with Newsweek magazine to plug its electric shavers. The time is a good one from two angles. In many American homes the elder son (His Majesty) is still sitting around reading the Sunday newspaper at this time, and it's a safe bet that in the majority of cases he yet hasn't shaved. In other words, he's both news and shave-minded.

As for the program itself, the material overbalances a rickety piece of production. The pattern is a simple one but in this instance it doesn't mesh, although perhaps all it needs is a couple more installments to lift into a smooth groove.

Primary basis of the series is a swift and pointed analysis by the editors of Newsweek. The analyses generate from a roundtable discussion and are sandwiched in between some news bulletins and some predictions of things to come, a la Bob Allen and Drew Pearson. For the opening stanza the topic dealt with the effect that the Rome-Berlin-Tokyo pact will have on the future course of the World War and the roundtable participants were Joseph B. Phillips, Newsweek's foreign affairs ed.; Ernest K. Lindley, the mag's Washington bureau chief, and Admiral William B. Pratt, former chief of the American fleet. Their slants were highly enlightening. They were clear, pertinent and brief and, above all, carried the suggestion of real authority.

One item about the production that sounded quite phoney and could be eliminated altogether was the frequent reference to Lindley's coming over from Washington. When he actually did appear the proceedings came to a dead silence. The effect was that of an intrusion and tended only to break the thread of discussion. Ode.

Bea Wain Renewal

Bea Wain has had her contract renewed by American Tobacco for another 13 weeks on the Lucky Strike Hit Parade (CBS). New terms is effective Oct. 18.

TOM POWERS

"That's Not New York . . . But It's Part of It"
With Gene Hamilton
10 Mins.—Local
CHASE NATIONAL BANK
Tues., Thur., 6:05 p.m.
WJZ, New York

(Albert Frank-Guenther Law)

Vet character actor Tom Powers has a natural with this twice-weekly series of capsule anecdotes and atmosphere sketches of out-of-the-way characters and corners of Manhattan. There's ample material in a huge, conglomerate city like New York for a lifetime of such programming. Powers, who is credited with writing his own scripts, appears to have the proper feeling for picturesque people and places, plus the trouper's skill in telling a story to put it into vivid radio terms. There's obviously an unlimited audience for this kind of things, particularly spotted right after the five-minute early evening news series. So the series might be continued indefinitely.

Program caught last Thursday (26) dealt with Brass Town, a tiny section of Allen street, just off Bleeker, in Greenwich Village, and taking its name from the metal shops that used to cluster there. Possibly because he figures the series is new and needs the introduction, Powers used too much of his available time on preliminary scene-setting of who he remembers of bygone New York.

But when he finally got to Brass Town and the yarn about his old Russian friend with the tongue-tangling name (which translated into John Gregory Snow) it was fascinating. Now that the series is under way, Powers should skip (or at least telescope) the wind-up and wade right into the meat of his piece. A good story deserves a full bullup and a dull story isn't saved by one. In this case it merely weakened the real yarn.

Gene Hamilton's two commercials plug the Chase bank's joint checking accounts (imagine having to draw money from twice as fast) and as a mild mail-puller, offer a booklet on social security. Hobe.

SUNNY JOY INGRAM

Interviews
30 Mins.—Local
Sustaining
Sunday, 11:30 p.m.
WOV, New York

WOV grabbed the chance to run a line into El Morocco, so that doggy guests might say a word or two into the microphone. WOV, an independent 5,000 watt, got the tag on John Pearson's show through Sunny Joy Ingram, a socialite recently back from the Coast where she was in some films and made her debut in radio. No doubt Miss Ingram knows the Park avenue bunch and also a goodly number of players but if the initial broadcast is a criterion she doesn't know radio.

Miss Ingram is addicted to double superlatives, using a sort of too, too divine, but my dear title and most of those whom she greeted and went on the air followed suit. It was faintly nauseous. It was all so wonderful, according to them but for Ferona there is little doubt the joint was packed. So business anyhow was wonderful.

Among those introduced was Cholly Knickerbocker (Maury Paul), society reporter for the Journal American. He was credited with having invented the term 'cave society'. There was a dispute over that credit. Couple of years ago Lucius Beebe, top hat reporter for the Herald Tribune, wrote some articles for Cosmopolitan, using that title and Paramount bought the rights. When the picture appeared Knickerbocker put a squawk and sought's piece of coal but he settled for a couple of ducats to the logos at Paramount.

The El Morocco broadcast is a form of modern Manhattan exhibitionism. Program is now regularly scheduled for Sunday evening, Club Cuba having a similar airing by Miss Ingram on Fridays. That phoney conversation and fake smartness is something to hear. Dee.

SALE OF Talent and Experience!

From a background of Networks, Agencies, and Regional Stations comes a young man with ideas and proven ability. Now available. He'll give you . . .

- * COMMERCIALS
- The Bell and Entertain!
- * SCRIPTS
- Biting Comedy and Punch
- * PRODUCTION
- Effective in Perfection
- * ORGANIZATION
- From Client to Control Room

ALL OF THESE—
By This One Addition
To Your Radio Staff!

Write
P. O. Box 236
Grand Central Annex New York

'SHERLOCK HOLMES'

With Basil Rathbone, Nigel Bruce, Lou Kosloff
Drama
30 Mins.
BROMO QUININE
Sunday, 5:30 p.m.
WJZ-NBC, New York
(Stack-Goble)

Acting, producing and conducting combination on this series is exactly the same as it was last season. Producer Tom McKnight hasn't veered the least from the narrative technique that marked the same series back in the early '30s, but that's no reflection on either McKnight or the program. The technique just belongs, and credit is due McKnight for not fooling around with fads or new fangled control board gimmicks.

Basil Rathbone's close acquaintance with the role of Sherlock Holmes, what with 26 weeks of it last season, was quite apparent on the introductory session (29) of the present series. He didn't stumble over a single line. Rathbone's clipped speaking style proves quite an asset when it comes to suggesting mounting suspense and excitement while Nigel Bruce still does a deft and full-bodied concept of Dr. Watson. Lou Kosloff's incidental music devolves as usual on weird chords and dissonance.

The teaser about next week's show is neatly woven in toward the end of the program. The plug urges quick treatment of the common cold, suggests caution about choosing the right remedy from the many that are on the market and caps the sales approach with the old, established method (Bromo Quinine).
LUCKY STRIKE
Saturday, 9 p.m.
WABC-CBS, New York.
(Lord & Thomas)

Formerly a church choir singer, coloratura soprano Marie Greene guested Saturday night (28) on the Lucky Strike 'Hit Parade,' doing a single number, a highly distinctive arrangement of 'St. Louis Blues' with Lyn Murray's chorus and Mark Warnow's orchestra. It was a solid click novelty worthy of repeats.

Miss Greene's voice is high, even for a coloratura, her tone is clear and warm, her diction is unusually good and she has a nice sense of rhythm. Arrangement, calling for the chorus to carry the melody backgrounding the soloist's swing coloratura gymnastics, was a punchy innovation. Chorus and orchestra were both skillfully handled to set off the guest. George Washington Hill, who cashed in on the novelty of the Orrin Tucker band and Bonnie Baker's trick voice just as they were coming to attention, apparently has another striking item for a string of appearances here.

As usual, last week's edition of the program was superbly produced and performed. Warnow again batoning the orchestra with his expressive-ness, Ed Thorngren, Fox-Movietone sports announcer, was another guest on the show, participating in the sponsor's spectacular commercials built around the tobacco advertiser's chant.
Hobe.

JIMMY JAMES' 13TH YEAR
E. F. H. James on Monday (30) completed his 13th year with NBC in New York.
Originally from England.



H. M. KIESEWETTER
H. M. KIESEWETTER AGENCY, INC.
WILL YOU GIVE BOB EASTMAN OF NBC SPOT A FEW MINUTES TO COME OVER AND TALK ABOUT KYW'S SPORTSCASTER - KERBY CUSHING - FOR THAT ACCOUNT? MAYBE YOU HEARD KERBY DO THE NATIONAL OPEN AND THE DAVIS CUP MATCHES FOR THE NBC NETWORKS. WOULD APPRECIATE THE FAVOR MY RESPECTS,
Griff Thompson

WESTINGHOUSE
KYW RED network station in PHILADELPHIA

'THE SHADOW'

With Bill Johnstone, Marjorie Anderson, Arthur Vinton, Ken Delmar, Keenan Wynn, Betty Heck-scher, Dick Widmark, Kenneth Roberts, Paul Huber
30 Mins.
D. L. & W. COAL CO.
Sunday, 5:30 p.m.
WOR-NBS, New York.
(Ruthrauff & Ryan)

One of the pioneers among weekly half-hour pseudo law-enforcement cliff-hangers, 'The Shadow' is back for another season plugging D. L. & W.'s Blue Coal, and its formula is unchanged. Yarns are for the kids (or adults with juvenile tastes), but when artfully written and produced should continue its established popularity.

Season's debut program Sunday (29) was a flimsy story, 'Death in a Minor Key,' with enough holes to pour a ton of Blue Coal through. Writing was scattered and loose, with the action going from first-person philosophizing to narrative, then into the dramatization proper and finally concluding with the last words of the narrator, who turned out to be unneeded. Despite the script flaws, the piece was well produced and superbly played, so it had a few moments of genuine effectiveness. Bill Johnstone, back in the title part, is credible, as is Marjorie Anderson as his heart interest. Keenan Wynn registered vividly as a cab driver, while Dick Widmark turned in a skilful, if not inspired performance as the illogically-written killer.

Kenneth Roberts is announcer and Paul Huber portrays John Barclay, the sponsor's multi-person, heating expert. There are two commercials; the first using a Ralph Waldo Emerson quotation about friendship to plug the idea of Blue Coal dealer sincerity, the second using the John Barclay Willson M. Tuttle produces for the agency. This is organ bridging and the show concludes with a 'preview' of next week's edition. Scripts are free-lanced.
Hobe.

DANIEL S. GILLMOR
'The Ford Question'
15 Mins.-Local
Sustaining
Tues., Thurs., 7:30 p.m.
WLTH, New York

Daniel S. Gillmor, 24-year-old son of a retired admiral, the publisher-editor of Friday, a new weekly of the sensational muck-raking sort. He has lately been the center of a small but violent controversy through the mag's publication of articles about Henry Ford's alleged anti-Semitism. Publication tried last week to take ads in the New York dailies and over various stations to plug the current issue, on the cover of which is reproduced a letter to Fritz Kuhn, Bund leader now serving a prison sentence, purportedly signed by Ford and mouth-pieced by William J. Cameron. (The latter promptly declared the signature was a forgery.)

When none of the regular papers (not even the leading Jewish ones) would accept the ads and all local stations but WHN refused to broadcast recorded spot announcements plugging the Friday issue, PM, new-est New York daily that accepts no advertising, picked up the story. Whereupon Edward V. Morand, columnist of the Jewish Review, small New York paper, invited Gillmor to appear for a guest interview on his twice weekly 'Jewish Review Commentator' program over WLTH, obscure indie station in New York. Series is a co-operative tieup between the paper and the station. Gillmor's guest date on the show took place last Tuesday night (24).

Without going deeply into the material in the Friday articles in question, Morand opened with a lengthy introduction of his interviewee, mentioning Ford's alleged anti-Jewish activity but not offering specific evidence to substantiate it. He has a strong voice, direct way of speaking, his only fault seemingly being trouble pronouncing the 'R' sound. Although neither Morand nor Gillmor gave any illusion of speaking extemporaneously, the script was skillfully written to maintain movement via short, always pertinent and sometimes searching questions and answers. Gillmor has a hard, clear voice and displayed not the slightest trace of nervousness. Gillmor said he is Irish, described his efforts to advertise the controversial articles and ended with a plug for his mag. Norman Warenbud was announcer.
Hobe.

FORREST WILLIS
Audience Participation
15 Mins.-Local
SOLOMON'S FUR SHOP
Daily, 1:30 p.m.
WOKO, Albany

Program is not unlike 'Musical Memories,' aired over WGY last season. However, it has less production and is carried almost alone by Willis on entertainment end (prizes smaller). It's pretty fair, with a special appeal to sell. Willis has demonstrated over the years that as an entertainer and merchandiser to femmes, he is about tops around here.

Willis' friendly, easy personality and quick verbal comebacks help smooth the path.
Jaco.

WHAT GOES ON BEHIND THE MIKE IS NEWS!

You fellows close to the radio picture very likely take for granted personalities, amusing incidents and human interest angles connected with that part of the business which goes on behind the mike. It's all in the day's work to you!

But to the folks who hear your programs and buy your products, such goings-on are news of the first water! To these listeners, the life and activities behind their favorite programs make up a fascinating world apart, and they have an insatiable curiosity about it.

1,000,000 CURIOUS A YEAR

You get some idea of this listener interest in radio's back-stage life from the fact that nearly 1,000,000 visitors a year attend NBC studio performances in New York alone, while paid guest tours through the studios number another half-million more visitors. Two of the country's leading radio fan magazines have well over 500,000 circulation between them!

All of which makes it obvious to us that a radio program with that kind of news value and audience interest as well as entertainment features, ought to make a terrific bid for a smart advertiser's attention.

"BEHIND THE MIKE"

There IS such a program! Yes, you guessed it! It's called "Behind the Mike", and you can hear it Sundays between 5:30 and 6:00 PM., EST, over the NBC-Blue Network. It's one of the many "packaged", tested shows being groomed in the Blue's new development plan for sales-worthy program ideas.

"Behind the Mike" answers millions of listeners who never had the chance of peeking behind the scenes of radio in a studio visit. This fast-moving, well-paced program gives them living glimpses of actual people and happenings in the whole exciting business of broadcasting.

ENTERTAINMENT PLUS NEWS!

Good music, colorful narrative and vivid dramatizing keep the show keyed at a lively pitch. Graham McNamee, as conductor of the show, introduces and interviews the program's weekly guests who figure in some activity or experience behind the mike. Comedy, drama, entertainment, inside information—all are combined in a half-hour of highlighted features.

"Behind the Mike" is another new idea in a radio program—probably the first of its type on the air. It is building and holding listeners because it appeals to their elemental curiosity about radio and its exciting people. That's why "Behind the Mike" should do a bang-up sales job for the advertiser who senses the show's strong "news" pull.

NEXT SUNDAY ON THE BLUE

Tune in "Behind the Mike" next Sunday evening at 5:30 P.M., EST, on the NBC-Blue Network. If you can't wait that long, we'll rush a recording right to you.

NBC BLUE NETWORK
Sales thru the air with the greatest of ease

HAVE YOU A PROGRAM HEADACHE IN YOUR OFFICE?

The Bishop and the Gargoyle Want to Solve It!

The Bishop and the Gargoyle are a great pair! You wonder how they ever hit it off, until you get to know them as thousands of radio listeners already do. These two amusing opposites dovetail in a bond of strange loyalty as easily as a well-made joint—and hold together just as firmly. They're a perfect set-up!

MEET THE BISHOP AND THE GARGOYLE!

There's the Bishop, for example. A retired gentleman of the cloth—cultured, benevolent and infinitely wise; a man whose worldly grasp and shrewd wit are no less strange than his hobby of crime detection! The Gargoyle, on the other hand, is an ex-law-breaker—"retired" through the Bishop's persuasion. The Gargoyle's untiring loyalty and di-

rect, elemental approach to the facts and conditions of life, is a constant source of polite astonishment to the Bishop.

The two of them get into some pretty tight fixes together and the listeners love it! If you read the mail the Bishop and the Gargoyle get, you'd know how alive and close these two are to their listeners.

THEY CAN SOLVE SALES PROBLEMS, TOO!

The Bishop and the Gargoyle find solutions to some knotty problems that often stump both the police and the radio audience. Now, after 13 weeks on the air, they're ready and rarin' to dig into the sales and merchandising problems of some advertiser who is looking for the right answers.

Variety gave the show a good sendoff, summarizing its review with this hopeful comment:

"Many agency impresarios are of the opinion that the coming commercial season will see lots of comedy drama, and there is no reason why this one couldn't be a likely candidate. The plots are deftly woven and the supporting characters are colorfully and clearly sketched."

WHAT A COMBINATION!

It would be hard to find two more interesting characters in radio fiction than the Bishop and the Gargoyle; more realistically drawn or more expertly put together in such an exciting vehicle, by a top-notch writer like

Frank Wilson. With Richard Gordon as the Bishop and Ken Lynch as the Gargoyle, you have the kind of featured cast that pulls 'em in and holds 'em week after week! Incidentally, each episode is a complete story—no carry-overs!

ON THE NBC-BLUE NETWORK!

You can get a personal introduction to the Bishop and the Gargoyle this Friday night at 8:00 P.M., EST. or any Tuesday night thereafter between 9:35 and 10:00 P.M., EST.—on the Blue.

You better let the Bishop and the Gargoyle go to work for you on that sales and merchandising problem!

NBC BLUE NETWORK

Sales thru the air with the greatest of ease

"DOUBLE OR NOTHING"

With Walter Compton, Frank Forrest, Alois Havrilla, Elliott Jacoby's Orke

Quiz
30 Mins.
FEEN-A-MINT
Sunday, 6 p.m.
WOR-MBS, New York
(Esty)

This program comes onto the Mutual network out of WOR, New York, after nearly a year as a WOL, Washington, D. C., local, and a pretty close counterpart as it is claimed—at law—to the original of "Take It or Leave It." Bob Hawk's (Sunday) session for Wahl pencils later (10 p.m.) the same night (Sunday). Just about the only difference is that this show lets the contestant keep the \$5 for answering the original query, even if he misses the rest, whereas the contestant loses everything with Hawk if you miff.

Initial program under Feen-a-Mint sponsorship was not entirely smooth. There's an obvious attempt to inject comedy via having the contestant talk on the subject of the first question, with additional prizes ranging from \$1 to \$10 dropped into the kitty if something informative emerges from the ad lib. There's a one-minute time limit and only the total of \$25 can be reached before the second question is submitted. If the contestant answers this correctly, he receives double if he's right, but the prize at no time can go over \$50. On the program caught a grand total of \$126 was dished out, although the questions and subjects for the most part were extremely easy.

Walter Compton, running the questions and answers and doing a nice job of it, but not on this first program getting very much humor out of the assignment. He'll probably find himself, though, once getting over the "premiere" jitters.

Frank Forrest is the show's tenor, singing "Great Day" around half-way in a not very well controlled voice. Elliott Jacoby and the orchestra in what is merely incidental music, while Alois Havrilla plays straight to Compton on the commercials, which stress that "Feen-a-Mint is thorough, gentle and efficient."

There was a court action brought a couple of months ago by WOL, Washington, against "Take It" sponsor, Eversharp, and the Bismarck, but the case was dismissed in N. Y. federal court. The station was given the right to re-draft what appeared to be a confusing suit, but up to date it has not been cleared up on its merits. However, those who listen to "Double" early on Sunday evening and then catch "Take It" later the same night, without knowing any of the background, will possibly form opinions. Scho.

DALE EVANS
With Todd Hunter, Caesar Petrillo
Orchestra
25 Mins.
DARI-RICH (BOWEY'S, INC.)
Sunday, 11:05 a.m.
WABC-CBS (Sorensen & Co.)

This Sunday morning program (minus 5 minutes for the 11 a.m. news) now is swinging briskly along with the start of the second year. There are small variations from its starting formula—odd news, smooth music and a novelty. Changes include new orchestra under Caesar Petrillo of WCBM, Chicago. Dale Evans, vocalist, was in the lineup previously for several months. Dave Bacal's novachord is missing. Todd Hunter remains as glib narrator of seldom-heard news.

The mixture of overlooked tales (freak news, some call it) and music was presented in dextrous manner. Program showed intelligent planning with band selections well-spaced with story telling and songs. Petrillo filled the bill with neat orchestration.

In Dale Evans, the lone balladist, the program seems to have a vocal find. She added informal spacing of a song's refrain to a tuneful voice to get away from the usual, measured money. "It's a Wonderful World," "Devil May Care" and "Let's Dance" were her vocal choices, all intelligently picked.

Hunter managed to hold attention with his novel news items. These included the freak Los Angeles cavein, the Kansas City man whose old and new homes were hit by lightning the same day, a new novel traffic light scheme and a comical auto accident. Wear.

BILLY TERNENT ORCHESTRA
30 Mins.
Thursday, 6:30 p.m.
BBC, London

Ternent fits nicely into that part of BBC regime whereby a virtually contractual maestro is on hand to deliver music at any given time. Job can be no less secure for the melody demands are countless, measured by program types, and the bows probably few. In this particular air stanza (29) tag is "She's My Lovely" and call is for music of a necessary sweetness built to remind troops. Ternent achieves the seeming miracle via his arrangements; rhythmical outflow is blended to a sweet degree, nice on the ear and well in taste, rating program about the best he batons. Cutest specialty—"Charming Little Faker," sweetest arrangement—"It Happened in Kolosa." Vocaling by Helen Raymond and Sid Buckman nicely in keeping with aims of the show; both are more or less resident with Ternent's outfit.

Follow-Up Comment

Columbia Workshop did a crackpot fantasy Sunday night (29) about talking cat that has himself elected mayor of a town and is prevented from becoming governor of the state only by a plumber who can't be intimidated. Titled "The Pussy Cat and the Plumber," the piece was scripted by Arthur Miller, a stage playwright. It was a delightfully imaginative comedy, skillfully worked out, appreciatively directed by Brewster Morgan and enjoyably played by Erik Rolf as the cat, Frank Lovejoy as the plumber, Carl Eastman as the cat's bewildered owner, Helene Dumas as the latter's wife and John Brown as the frantic incumbent mayor. Charles Paul composed and directed the eloquent musical background.

Jay Sims' news program over WOR-Mutual last Tuesday night (24) showed careless handling of script. Spieler read the items clearly and expressively, but the writing itself was just a dull exposition without a trace of color, and there were several repetitions in the 15-minute session. This matter of repetition is an inherent weakness of radio news, since the listener can't skip items he's already heard, the use of a newspaper reader can ignore stories he's already read. But when those preparing a news program include several items in duplicate, it becomes actively annoying to the dialer.

"Poor Wendell" might well have been the slogan of the Democratic Women's Day program which was presided over last Friday (27) by Mrs. F.D.R., with some of her theatrical and literary friends pitching into the G.O.P. candidate. The verbal attacks might be described as artistic assault and battery. A poor, confused, befuddled man was the way the speakers characterized Willkie.

All things considered, this was rather exceptional political programming. It was heavy with names. Thornton Wilder, Robert Sherwood, Edna Ferber, Rex Stout, Alice Duerr Miller, Frank Kingdon, Katherine Hepburn, Marc Connelly, Elmer Rice, Frank Sullivan and Hendrik Van Loon joined in.

TO-NITE

CBS — 9 P.M.

Texaco Star Theatre

HUGH MARTIN SINGERS

Through Dolan and Doane

Vocal Arrangements by

HUGH MARTIN

B. G. De Sylva's
"Du Barry Was a Lady"
"Louisiana Purchase"

RKO Picture
"Too Many Girls"

Lewis and Freedley's
"Cabin in the Sky"

THE MARTINS

In
"Louisiana Purchase"

Personal Direction
FRED STEELE

9 Rockefeller Plaza
Suite 601
CO. 2-2142
NEW YORK CITY

FEAR SET 'REPAIR' RACKET

FIELD DAY FOR PHONE FIXERS

National Ass'n of Broadcasters Is Concerned at Possibility of Widespread Gyping of Householders Next March When Sets Must Be Changed to Conform With New Station Allocations

PRECAUTIONS

Washington, Oct. 1.

Sympathetic cooperation of both the Federal Communications Commission and the radio service men will be sought by the broadcasting industry to simplify the shift in frequency of 777 U. S. transmitters next March in accordance with the North American agreement. Numerous problems confronting the business—with a threat of temporarily reduced audiences and setbacks for advertisers—will be called to the attention of the regulators in an appeal for a liberal, helpful attitude during the readjustment period.

Several practical difficulties on the horizon were measured last week at special session of the National Association of Broadcasters engineering committee preliminary toward laying plans for an orderly change-over which affects all but a small handful of existing operators. Outstanding matters are:

1. Necessity of installing new directional antennas at some 50 stations and possibly readjusting the present radiating system at many of 93 now using special arrays.
2. Changing over apparatus and installing new crystals, with possible bottleneck slowing down supply of vital equipment.
3. Altering the millions of push-button receivers in the fastest possible time.
4. Advising the dial-twisters of the impending reallocation and urgency of getting their automatic sets fixed up to bring in their favorite transmitter.

General Overhaul

Rush of business for the consulting engineers and local radio set service men is in the offing, but the reallocation will not cost the broadcasting industry as a whole any large sum, experts believe. In the preponderance of cases, station engineers can make all the required readjustments with a minimum of trouble and expense, although it is likely that some proprietors will decide to kill two birds with one stone and conduct a general overhaul at the same time.

To the extent that existing plants are modernized and spruced up, congestion threatens. Procrastination on the part of station operators may cause considerable inconvenience, particularly as the matter of getting or regrounding crystals will assume considerable proportions. There is serious fear of a crystal shortage, but the industry experts are aware some stations are bound to suffer temporary hardship, especially if they are dilatory about making plans and arrangements.

8,000,000 Push Buttons

The listener angle is of greatest concern. Through the Radio Service Men's Association, with a roster of around 5,000 repair firms, the N.A.B. hopes to make sure the public is not gouged and the flood of demands handled as orderly as is physically possible. It is noted that some of the hump may be reduced by advising families with more than one push-button receiver to anticipate the shift, leaving the most-used set to be adjusted at the last moment. But with estimated 8,000,000 automatic tuners, to say nothing of the host of automobile sets, in existence, there is nothing to be done which will eradicate completely the likelihood of exasperation for a while. It will be impossible for the service outfits to please everybody, and the

calls for readjustment will have to be handled on a first-come basis.

Without putting any curse on the repair men, the N.A.B. is aware of the possibility that inexperienced, fly-by-night fixers may do considerable harm. Besides costing good-will, irresponsible gadgeteers are liable to cost the public substantial sums. As long as any kid with a smattering of knowledge about a radio's innards can get a kit and pose as a master electrician, unpleasant incidents are inevitable.

The matter of setting a reasonable price scale for doctoring the receivers is another important worry. By appealing to manufacturers, dealers, and service men, the N.A.B. hopes to make sure the goose that lays the golden egg isn't killed. Profiteering will be sternly condemned, with stations expected to

warn their listeners against fixers whose greed may get the upper hand. If the public is forced to pay \$5 or \$10 for a job that takes only a few minutes and involves no more difficulty than using a screw-driver expertly, the broadcasters fear they may become the eventual goats.

Obligation on broadcasters to educate the public, especially by pointing to the benefits which make temporary inconvenience worthwhile, will be stressed. Examples as set recently when WFL, Philadelphia, began suggesting during regular broadcasts that listeners should check their sets to see if they are operating satisfactorily. Sample broadcasts, explaining the nature of the Havana agreement, the advantages which will accrue to U. S. listeners, and the effect of the reshuffling probably will be made available

to help smooth down the dial-twisters and save the industry from possible public ire.

As far as the FCC is concerned, the N.A.B. engineers feel the government might relax its standards of technical performance a bit at the critical moment. Stations entitled to extra time to do the job of altering their equipment, especially in view of the number which must install or improve their directional antennas. This point will be stressed, inasmuch as consulting engineers expect to be so busy that all plants probably cannot be in shape for the simultaneous shift. Some minor modification of Commish rules may be sought in this regard.

Just when the move will take place has not been decided. To minimize international conflict, a set moment—probably in the wee small

hours—must be agreed upon by all signatories. Otherwise, there will be collisions between American, Mexican, Cuban and Canadian stations supposed to vacate various frequencies. In view of the time changes across the country, it is likely the precise minute will be along toward dawn on the Atlantic seaboard, so that the regular late-evening audiences on the Pacific slope will not be discommoded any more than necessary.

CESAR PETRILLO UPPELLED

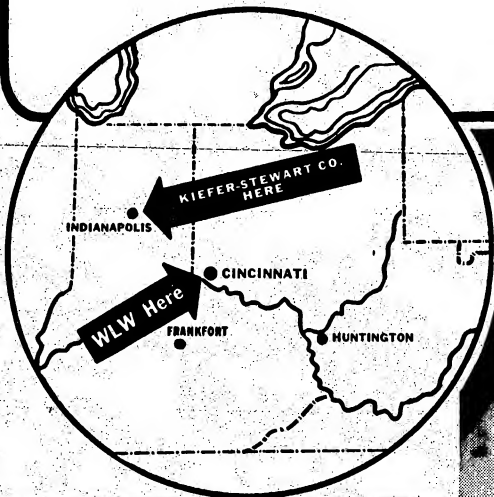
Chicago, Oct. 1.
Cesaro Petrillo has been named musical director of WBBM, the Columbia station here.

Milton Charles, who had been temporarily acting as music director, returns to his post as staff organist.

"WLW's powerful advertising is doing a most effective job for us throughout the large territory which is covered by our salesmen. Due to the widespread consumer-preference for WLW-advertised brands, we pay particular attention to products that are going to be advertised over WLW."

Signed: G. B. Moxley,
President,
Kiefer-Stewart Company,
Indianapolis, Ind.

Kiefer-Stewart travel 49 wholesale drug salesmen covering all of Indiana, a good part of Illinois and northwestern Ohio and part of Michigan.



REPRESENTATIVES: NEW YORK—Transamerica Broadcasting & Television Corp., CHICAGO—WLW, 239 North Michigan Ave., SAN FRANCISCO—International Radio Sales

WLW THE NATION'S
most Merchandise-able
STATION

AMERICA'S HIGHEST-PRICED RADIO ANNOUNCER *SALESMAN*

— He conducts the "Make-Believe Ballroom," but he is by no means a "make-believe" salesman

OUT of 130,000,000 people in the United States, Uncle Sam collects income tax from only 500 who earn more salary than Martin Block.

The advertisers pay Martin Block because Martin Block pays the advertisers!

The "Make-Believe Ballroom," m.c.'d by Martin Block, is part of the pulsating life of this city. In this fast-moving metropolis, it makes merchandise move faster!

There is no group outside of its appeal . . . The "Make-Believe Ballroom" is a big show, and like all big shows, it appeals to all ages!

The "Make-Believe Ballroom" is a WNEW "natural"—just as WNEW is a "natural" in Greater New York.

The rhythm and tempo of the "Make-Believe Ballroom" is the rhythm and tempo of WNEW.

★ ★ ★ ★

We single out the "Make-Believe Ballroom," not as the exception, but as the rule . . . not as *the* star—but as one of many stars—when you round the clock with WNEW!

Not a local station one minute—a chain station the next—rather, WNEW is a LOCAL station, talking to its audience—numbered in the millions, twenty-four hours a day.

WNEW *knows* its listeners—and its listeners *know* WNEW. They buy what we tell them to buy—and buy in such quantities that WNEW produces sales in this Metropolitan Trading Area at the lowest cost of any station.

There's still time to buy for the Fall and Winter season . . . but there's not much left on your part or ours.



Here he is—Martin Block—at the mike. Relaxed and smiling he flashes that same smile into every home tuned to "1250 on your dial."

WNEW

501 MADISON AVENUE, NEW YORK, N. Y.

SERVING NEW YORK AND NEW JERSEY TWENTY-FOUR HOURS A DAY
1250 KILOCYCLES • 5000 WATTS BY DAY • 1000 WATTS BY NIGHT • NATIONALLY REPRESENTED BY JOHN BLAIR & COMPANY

Unsigned Letters Urge Canadian Engineers to Join Radio Union

Winnipeg, Oct. 1.

Attempts are being made in Canada to organize an association of technical engineers, by the Association of Technical Employees, with offices listed as Room 222, 1396 St. Catherine street, Montreal. It is also stated this organization is affiliated with the Trades and Labour Congress of Canada.

Letters were received this week by radio station employees in Winnipeg along with membership application forms and a general prospectus. Letters were unsigned, however, S. S. Colle was shown on letterhead as national chairman with L. Thomas as national secretary.

Letter pointed out how Canadian radiomen have at times attempted, through local expressions of resentment, to improve working conditions, rates of pay, etc., to little or no effect. Comparison was drawn between conditions in Canada and those in the U.S. where, it is stated, tremendous strides have been made in unionism. One sentence was significant, it reading, 'Broadcasting is controlled and regulated by an appointed body dedicated to the service of every group of the Canadian people except one—the radio employees.'

A second sentence has been pointed up in the letter this causing some to wonder just what methods will be employed. Sentence states, 'This forward step has made it possible for members of the operators staff in the radio industry to join the A. T.

E., in an effort to better themselves through cooperative action, and to improve employer-employee relations at a time when Canada can least afford an interruption of her communication facilities.' Some seem to think this may mean an 'or else' style of ultimatum, while others regard it as a move to even closer cooperation and general staff relations.

Association has also brought attitude of Dominion Government toward unionism out in its letter. This is for particular benefit of those employed by the Canadian Broadcasting Corporation. Letter quotes General Manager Gladstone Murray as saying, 'the attitude of the CBC toward its employees is in nowise affected by their association with any form of labor organization.'

Application states organization is open to engineers, draughtsmen, architects, chemists, laboratory technicians, pharmacists and technical supervisors. Entrance fee is set at \$1 for employed and 10c for unemployed members.

Quiz Goes Commercish

Montreal, Oct. 1.

'Time is Money' half-hour sustaining quiz on CKAC, has been picked up for sponsorship by Familix Products.

'Familie' Gauthier, sustaining script show authored by Henri Letondal, returned over same station last week after summer vacation.

CKOC Quotes Nelson

Hamilton, Ont., Oct. 1.

CKOC has a new sign-off at midnight every evening a prayer for victory written by Admiral Lord Nelson on the eve of the battle of Trafalgar, Oct. 21, 1805.

The prayer is as follows:

'May the great God whom I worship, grant to my country, and for the benefit of Europe in general, a great and glorious victory; and may no misconduct in anyone tarnish it; and may humanity after victory be the predominant feature in the British fleet! For myself individually, I commit my life to Him that made me; and may His blessing alight on my endeavors for serving my country faithfully! To Him I resign myself and the just cause which is entrusted to me to defend. Amen, Amen, Amen.'

Rush Canadian DX Station For Pan-Américas

Montreal, Oct. 1.

As measure of empire cooperation in the war effort the Canadian Broadcasting Corp. will immediately begin construction of a short wave transmitter of 7,500 watts in the Province of Quebec. Station is scheduled for completion in December, and will rebroadcast British programs, in addition to Canadian, with principal object of reaching listeners in United States, West Indies, Mexico and South American countries.

Canadian short wave station has been foreshadowed in report to the War Cooperation Committee some time back, which recommended building of a 50 kilowatt transmitter. Prior to this report, before outbreak of war, CBC officials at various times asked Parliament for permission to build a short wave station in order to improve Canadian trade relations abroad.

Idea was shelved when war broke out, but was dusted off again when War Cooperation Committee decided transmitter would be a great help in supplementing British broadcasting services.

Original plan called for expenditure of \$350,000 to \$400,000 on a 50 k.w. New station will cost \$60,000, but reports it will be sufficient to reach Western Hemisphere listeners and Europe, as well, under favorable conditions.

Minneapolis Cleric On DX Tells Norway That British Fight On

Minneapolis, Oct. 1.

For the first time in Twin City broadcasting history, a program for European consumption only, which was heard only in Norway, the rest of the Scandinavian peninsula and parts of the British Isles, originated at WCCO. The speaker was the Rev. J. A. Aagaard, president of the Norwegian Lutheran church of America, a local resident, who, speaking in Norwegian, sought to reassure the people of Norway that the British still are fighting in their behalf.

The broadcast was carried from WCCO's studios by special lines, leased by the BBC, to Massachusetts, from whence it was broadcast by a short wave transmitter to the BBC pickup stations in England, which, in turn, rebroadcast it to Norway. No American stations carried the broadcast.

Mexican Commission To Improve Radio

Mexico City, Oct. 1.

Better broadcasts from all angles by all radio stations in Mexico is the objective of work started by a government commission of five. Laws governing radio are to be revamped and the biz is to be generally placed on a better basis. Regulations banning political, religious and seditious propaganda are to be tightened.

Station operators must give the commission all information it asks and otherwise assist it in its work.

George Gerhardt, Exposed in 1937, Loses Citizenship as a Hitler Agent

Philadelphia, Oct. 1.

George Joseph Gerhardt, former director of German language programs on WPEN, was deprived of his American citizenship last Wednesday (25) by Judge Harry E. Kalodner in U.S. District court here on the charge of being a Nazi agent. Gerhardt has been in Germany since July, 1939, making propaganda broadcasts to the United States the official Reich radio via short wave. Government agents presented a file of several hundred pages with documentary evidence of Gerhardt's pro-Nazi activities here and abroad.

'It makes me very happy to do this,' said Judge Kalodner, as he signed the papers which will prevent Gerhardt's return to this country. The alleged Nazi's wife 'lives in this city. Court attaches explained that citizenship may be revoked from anyone who stays out of the country for more than a year without explanation of his activities.

Gerhardt was fired by WPEN three years ago for pro-Nazi activities. He appealed to the American Guild of Radio Announcers, of which he was a member, to force the station to take him back. Instead, they ousted him as member of the organization.

Gerhardt's activities came to light when he refused to announce a program sponsored by the Citizen's Anti-Nazi League. A checkup showed that he had been ad-libbing Nazi propaganda during commercials German language programs. It was also learned that he was also on the payroll of the North German Lloyd steamship line during the time he worked at the station.

AMBASSADORS JOIN WLWO DEDICATION

Cincinnati, Oct. 1.

Ambassadors from Central and South America and several governmental high-ups, particularly in the radio division, are to participate in broadcasts Oct. 12 which will formally dedicate WLWO, Crosley's international station. So announced Wilfred Guenther, station director, Monday (23) upon returning from Washington, where some of dedication programs will originate.

FCC Chairman Thomas Burke and Dr. Leo S. Rowe, director of the Pan-American Union, are among those who will be heard from Washington, according to Guenther.

Columbus Day was selected for the occasion because it is a red letter holiday in the Latin-American countries. Special air session is to start at 8 p. m., EST, and run two and one-half hours. First hour will be aired from the Crosley studios here and carried also by WLW.

WLWO began carrying commercials last April and now has five accounts. It operates 20 hours daily and carries seven hours of programs in Spanish, one hour in Portuguese and the rest in English.

Application was made last week for increase of WLWO's power from 50,000 to 75,000 watts.

CAN. BIZ FROM U.S. ON UPBEAT

Montreal, Oct. 1.

Several Canadian stations report most active out-of-town representation and biggest increases in volume placed so far this year as coming from Chicago. In some instances Chicago reps have increased time sales over Canadian outlets by as much as 100% over last year.

New York and Toronto volume also reported on upgrade, with jump in bookings placed from Manhattan ranging from 10 to 25%.

John Dickson in Berlin For Mutual Network

John Dickson has been appointed Mutual's full-time representative in Berlin. Sigrid Schultz, Chicago Tribune correspondent who has been broadcasting from the German capitol for the network, will continue part time.

Dickson is an American.

CKY Man a Major

Winnipeg, Oct. 1.

W. C. (Bill) Macintosh, of CKY, Winnipeg, sales staff has left to rejoin his old outfit, the Saskatoon Light Infantry. Has been placed second in command of Canadian Militia Training Centre at Brandon, Manitoba, with rank of Major.

Macintosh was youngest Colonel in Canadian Army during World War I being only 21 at time of appointment.

JAPAN'S 54 IF PLANS JELL

Tokyo, Sept. 8.

Because of the increasing importance of radio, the Communications Ministry has decided to establish seven new stations by the end of next March. The new stations are to be built at Onomichi, Hiroshima Prefecture; Oita, Oita Prefecture; Bofu, Yamaguchi Prefecture; Matsuyama, Ehime Prefecture; Aomori, Aomori Prefecture, and Kooriyama, Fukushima Prefecture.

The Ministry is also reported to be planning new stations in Naha, the Loochoo Islands; Toyohara, Saghalien and Palao in the South Seas.

Completion of all these stations would bring the total number in Japan to 54.

Harry 'Pappy' Cheshire, maestro of the KMOX, St. Louis, galaxy of hillbillies in Hollywood, where he has a role in 'Barnyard Follies' that Republic Pictures is making. Cheshire is doing a Will Rogers type of character in the talker.

TED COLLINS

PRESENTS

WILLIE HOWARD

AS

PROFESSOR "PIERRE GINSBERG"

ON

THE KATE SMITH HOUR

FOR GRAPE NUTS

Every Friday — At 8 P.M., EST — CBS

TONIGHT
TONIGHT
TONIGHT

FRED ALLEN
with KENNY BAKER

TEXACO STAR THEATRE
WABC 9 to 10
And other Columbia Network stations

TEXACO

Portland Hoffa
Al Goodman's
Orchestra
The Mighty Allen
Art Players

TEXACO DEALERS

Retain Summer Time For War Factory Aid

Winnipeg, Oct. 1.

'Oh to be in England now that spring is here,' may be an old expression indicating longing in the hearts of many a son and daughter of the light little isle but the current expression, 'Oh to be in Canada now that the time change has come,' is certainly not to be confused or compared with the above. For Canadian broadcasters last week were suddenly handed the fast double cross and are still staggering from the blow—particularly in the west. It all started some two weeks ago. At that time Canadian broadcasters, like their American cousins, started the semi-annual session with the aspirin bottle, soft pencil and a mountain of erasers attempting to make order out of chaos. But they, had reckoned without the Canadian government.

With practically everything in order (?) broadcasters had settled back to smooth off the rough edges when the bombshell was dropped in their lap. It came in the form of a wire stating that by Order in Council the two eastern provinces of Ontario and Quebec would remain on daylight saving time to aid factories turning out war materials. That started the scramble and at last reports program directors, sales managers and radio editors were still reeling.

'Oh to be in Canada?' Okay, say Canadian broadcasters, but don't forget to bring along a truck load of that certain headache cure.

Luther Reid Off CBS

Luther Reid last Friday (27) ended a five-year connection with Columbia's press department. In that time he has been in charge of the copy desk slot, acting manager of the department and assistant director of publicity.

ELECTRIC FIRM PICKS UP KMOX HISTORICALS

St. Louis, Oct. 1.

For the fourth consecutive year the Union Electric Co. of Missouri, with headquarters here, will bankroll the 'Land We Live In' program series over KMOX. The first of 20 programs, all of which are dramatizations of historical events of St. Louis and the Mississippi Valley hits the ether Sunday p.m. (20).

Arthur Casey, the station's production director, will again handle.

Big Ballyhoo at KRSC

Seattle, Oct. 1.

KRSC celebrates the opening of its new studio and boost from 250 to 1,000 watts tomorrow (Wednesday) with a series of broadcasts by President Roosevelt, Republican Candidate Wendell Willkie and a long line of local political, athletic and educational figures. The Roosevelt and Willkie speeches will, of course, be from discs. There will be no commercials on the station from 2 p.m. to closing.

Local stations are sending some of their talent, while a number of outlets from San Francisco to Spokane will participate with programs either wired in or transcribed. Salutes by the disc route are also due from the various film companies in Hollywood. Kleig lights, searchlights and band concerts will be part of the ballyhoo outside the studios. P. K. Leberman, Safeway Stores exec. who with Robert Friebe of Seattle control the stock interest of the station, is flying from New York to attend the event.

The Perennial Crumits

Minneapolis, Oct. 1.

Julia Sanderson and Frank Crumit were here last week to meet executives and salesmen of their newest sponsor, Russell-Miller Milling Co. Program will start in mid-October and will be called 'Julia and Frank at Home'.

Pair were guests here at a reception at the Minneapolis club and also attended a Russell-Miller sales convention.

Hughes Tells Australia How Goes U. S. Opinion

San Francisco, Oct. 1.

John B. Hughes, who does news comment for CBS and Don Lee webs, has added new chore to routine, which puts him in front of a mike at 4 a.m. every Wednesday.

All came about because the Australian broadcasting authorities decided they wanted a condensed dose of U.S. opinion. Hughes did similar stint for Britishers last year, so was chosen for new series. Task is to talk for 30 minutes, interpreting American reaction to world affairs in language understandable down under. Aired from shortwave studios of KGEI on Treasure Island.

Belgian Congo Shortwaves To United States

Belgium Embassy, Washington, Oct. 1.

Editor, VARIETY:

I feel that it may be of interest to the readers of VARIETY to know that the governor of the Belgium Congo has informed me that beginning Oct. 2, the radio station at Leopoldville, Belgian Congo, will broadcast by shortwave, two daily programs (one in the morning and one in the evening), intended to be of interest to Americans and other foreign listeners. These programs will take place as follows:

- (1) From 10:55 to 12:15 (G. M. T.) on a 14.95-meter wavelength, or 20,040 kilocycles.
- (2) From 18:55 19:45 (G. M. T.) on a 29.664 meter wavelength, or 10,141 kilocycles.

The series of programs will be inaugurated by Mr. Pieter Ryckmans, governor-general of the Belgian Congo.

Charles Leonard.
(For the Belgian Ambassador)

Grossman Shoes Advertises Cantor Day Before Bristol-Myers Start And Then the Conferences Begin

Eddie Cantor's scheduled transcription appearance on 'America's Famous Fathers' last night (Tuesday) over WJZ and several dozen other local stations precipitated a hectic squabble between the comedian, the producers of the program, NBC officials and his new sponsors, Bristol-Myers. Representatives of the various groups involved held a confab for several hours yesterday afternoon, and only an hour or so before broadcast time the show was cancelled. Cantor's new Sal Hepatica series begins tonight (Wednesday).

Cantor, who agreed to appear on the recorded 'Fathers' stanza with the understanding that it was a sustaining program, said he learned it had been sold to Julius Grossman shoes only when he saw ads announcing the broadcast in Tuesday's New York dailies. Explaining that Bristol-Myers was also burning at the situation, the comedian asserted that if the 'Fathers' program went on the air as scheduled he would sue Grossman, NBC, and Ray Green, of the Kermit-Raymond Corp., producers of the series.

'I didn't want to appear on the show anyway,' he said, 'but the Young & Rubicam publicity department persuaded me to do it. They said it would help publicize my series for Sal Hepatica, so I finally agreed to do it. However, it was strictly with the understanding that the series was a sustainer. I look like a dope and I make Bristol-Myers look like dopes to have it announced that I'm being sponsored by Julius Grossman shoes the very night before my own series goes on the air.'

Officials of NBC, Bristol-Myers, Young & Rubicam, Grossman and Kermit-Raymond could not be

reached for comment, but it was indicated that representatives of all the above were closeted at NBC headquarters in an effort to straighten out the tangle before broadcast time. What would be done at the various other local stations that were scheduled to air the 'Fathers' program was also unknown last night.

Says Lindsay—

Howard Lindsay, who appeared on the initial 'Fathers' transcription with Cantor and is slated for appearances on subsequent editions of the show, was vague about the exact setup of the show. 'I really don't know what the arrangement was,' he declared. 'They came to me with the idea and caught me in a weak moment, so I agreed to do the series in the belief that it would help the play 'Life with Father.' Lindsay is co-author and co-star of the play, the original production of which is approaching a year's run at the Empire, N. Y. Two road companies are also out.

'When they talked to me about the program,' Lindsay continued, 'they started to explain to me about who was making it and how the various local stations would broadcast it for nothing, but I was very tired and didn't pay much attention. Apparently the stations were to have the right to sell the time to sponsors, but it never occurred to me a big New York station would take the series. I was as surprised as anyone to see the ads in the papers this morning.'

Calgary, Alta.—Jack Dennett, for many years an announcer with CFAC, Calgary, has been transferred to CJRC, Winnipeg, where he will work under Frank 'Tiny' Elphicke, former manager of CFAC, recently transferred to the Winnipeg station from CJAC, Edmonton.

WABC
NEW YORK
50,000 WATTS
CBS

WABC delivers the biggest "local" market in America—a minimum Daytime Primary Listening Area of 50 counties, in five states, with 13,430,000 radio listeners!

For more information about WABC, 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

Key Station of the COLUMBIA BROADCASTING SYSTEM

Texas Inaugurates Pretentious Radio Education Series; Hoblitzelle Angels

San Antonio, Oct. 1. Some 1,500 schools throughout the state of Texas tune in on the stations of the Texas Quality Network starting Oct. 7 when the 1940-41 season opens of the 'Texas School of the Air' produced by the Texas State Department of Education acting through a non-profit corporation supported by Karl Hoblitzelle, president of Interstate Theatre circuit.

Radio lessons in five broad educational phases will be broadcast daily Monday through Friday for a quarter hour over WQAI here, WFAA, Dallas; WBAP, Fort Worth, and KPRC, Houston.

The Monday Series will be known as 'Stories Plus' and will deal with the field of social science for elementary school students and will originate in Dallas and Fort Worth, 'Open Your Eyes' is Tuesday broadcast of natural science for the elementary school student and will be heard from the North Texas State Teachers College and Texas State Teachers College. The Wednesday program will be titled 'Jobs Ahead' and will be a vocational series from Texas A. & M. College. A language series, 'Reading Is Adventure' will be heard from the University of Texas on Thursday, while a music series on Friday titled 'Musical Texas' will be presented from various schools centers.

There are to be 28 programs in each of the five groups and will be presented in co-operation with the University of Texas, North Texas State Teachers College, Texas State College for Women, Texas A. & M. College, the Texas State Teachers Association and the Texas Congress of Parents and Teachers.

Estimates place the number of Texas schools equipped to receive radio programs in the classroom at more than 3,000. Of this number, more than 1,500 have already formally joined the Texas School of the Air. During the course of the programs it is estimated that approximately 4,000 schools comprising nearly 1,000,000 pupils will be using the broadcasts.

The State Department of Education will support the radio service with printed matter for teachers.

Organize Listening Centers

Louisville, Oct. 1. University of Kentucky's system of listening centers, in isolated cen-

ters of the Kentucky mountains, pioneer plan, the adult education field, has been adapted to the Tennessee mountains, according to recent announcement from there. As promulgated by the University, plan has been adopted by a Knoxville station, which is actively soliciting old battery sets, which are spotted in remote posts in the mountains, where listening centers are established for hill folks who have no sets, and very little contact with more densely populated sections.

Radio listening centers were established by the University in 1933, and now 40 such centers in the mountain sections of Kentucky are in operation. Knoxville station plans a similar system, and like the U. of K. will direct a certain number of programs each week to listening center groups.

WFIL DIDN'T OKAY FATHER COUGHLIN

Philadelphia, Oct. 1. Roger Clipp, general manager of WFIL, denied reports emanating from Detroit that his station had agreed to carry Father Coughlin's broadcasts.

Never did, he says.

Nile Kinnick As Spieler

Des Moines, Oct. 1. Nile Clark Kinnick, college football wiz last year, will join the ranks of radio announcers this fall. Kinnick will do pre-game and between-halves grid predictions and reviews during Iowa Dairy Industry commission broadcasts of University of Iowa football games over KRNT and WMT.

Gene Shumate of KRNT and Bert Puckett of WMT will give the play-by-play commentary.

Kinnick rejected professional football contracts to serve as assistant freshman coach and study law at the state university.

Fidler Not For Colgate

Jimmy Fidler is not to broadcast the Hollywood gossip for Colgate-Palmolive-Peet. Story from the film colony to that effect is without foundation.

Company didn't even audition him.

TO STOP DEMANDS, ENDS ALL POLITICS

Providence, Oct. 1. In a move to forestall reciprocal 'equal opportunity' demands for free radio time by opposition candidates, WEAN this week suspended until after election all its public service programs.

These included weeklies by Gov. William H. Vanderbilt and Mayor John Collins.

School Tune-In Statistics Show 5,146 Classes

Chicago, Oct. 1.

In a report of activities by the Radio Council of the Chicago Public Schools, radio director Harold Kent reveals that a total of 5,146 school classes listen to radio instruction regularly.

Of these 5,146 classes which includes 195,044 pupils, 4,417 listened to programs presented by the Radio Council. And of these 4,417 classes listening to Radio Council shows, 4,228 classes were tuned into programs presented over the two Ralph Atlass stations, WJJD and WIND.

Breakdown of the listening habits is as follows:

Radio Council Programs.	No. of Classes Listening.
'Magic Boots' (WJJD).....	783
'Pieces of Eight' (WJJD).....	839
'Open Sesame' (WJJD).....	355
'Your Science' (WJJD).....	301
'Makers of Chicago' (WJJD).....	324
'News to Me' (WIND).....	263
'The Artist Speaks' (WIND).....	424
'Student Chorus' (WJJD).....	272
'Let's Tell a Story' (WIND).....	283
'Science Reporter' (WIND).....	384
'Battle of Books' (WHIP).....	189
Total.....	4,417
Other Programs:	
'Let's Sing' (WLS).....	145
'Progress Milestones' (WLS).....	43
'Polly and Pat' (WLS).....	163
'A Book to Read' (WLS).....	17
'Magic of Music' (WLS).....	51
'New Horizons' (WBMM).....	31
'From Far and Near' (WBMM).....	65
'This Living World' (WBMM).....	22
'Frontiers of Democracy' (WBMM).....	26
Walter Damrosch (NBC).....	190
All Others.....	75
Total.....	729

MRS. LEWIS DISCUSSES KID SHOW NEGLECT

St. Louis, Oct. 1. 'The children's hour' has been one of the neglected spots on most radio station programs and has developed with little supervision or direction, was the charge made here last week by Mrs. Edward C. Lewis, White Plains, N. Y. member for the Radio Council on Children's programs of New York. She is making another tour of radio stations.

She asserted that in the past children's programs have received so little consideration from the radio industry there was no data available about the number of such programs being sponsored or their relative value. Mrs. Lewis said her organization, composed of national groups interested in child welfare and education, expect to publish the first comprehensive survey on the subject, and by calling attention to worthwhile children's programs raise the standards of all such programs. Transcriptions will be used to a greater extent in the future, she pointed out, to solve time difficulties encountered in studio broadcasts for children from eastern stations.

Amateur Football Now

Rochester, N. Y., Oct. 1. Frank Silva, WSAY sportscaster, is giving his sponsor, Bond Clothes, some extracurricular aid by organizing 13 amateur football teams into an association sponsoring two leagues. This centers the efforts of sandlot outfits, gives them better officials and backing as well as publicity.

Bond Clothes furnishes trophies and other gratuities, and in return gets close tieup with large group of potential buyers and their friends.

Would Russia Give Us Free Speech?

A Statement of Policy

By I. B. WILSON
President, WCKY, Cincinnati

Cincinnati, Oct. 1. Last June WCKY declined to broadcast a network speech by Earl Browder, Communist candidate for president, and issued a statement which said in part:

We believe it is not the intent and purpose of the Federal Communications Act to force American radio stations to give aid and comfort to the enemies of our republic. We are certain it is not in the public interest to broadcast pro-Nazi, pro-Communist speeches at this time.

WCKY broadcast a program of patriotic music as our network line from New York, an action approved by newspaper editors in Cincinnati and throughout the country and by numerous patriotic organizations. All agreed that the issue of free speech was not at stake.

The Communist Party has now purchased time on the major networks and WCKY has been offered a commercial broadcast, set for Oct. 10, during which Earl Browder, admittedly a taker of orders from Moscow and now under federal conviction for passport fraud, will tell Americans why he believes our democratic institutions should be

scrapped and Soviet communism substituted therefore.

Now, even more so than last June, American defense preparations are being rushed. WCKY has a set policy of encouraging patriotism and stimulating thought to the end that the American way of life shall be preserved.

Why for Cash?

Our refusal to give Communism free time last June must be followed by a refusal to accept Communist money for a paid broadcast, which must by its very nature attack the American way of life and exalt the totalitarian ideology.

WCKY has therefore informed the Columbia Broadcasting System that it will not accept a broadcast by Earl Browder, whose party has been denied the ballot in both Ohio and Kentucky because of failure to gain sufficient valid signatures to its petitions.

The Communist Party has not enough money, nor can it ever have enough, to buy one minute of time on WCKY for use in endeavoring to insinuate anti-American doctrines into American minds. The results of these doctrines are daily apparent in the carnage and oppression now spread over a large part of the world.

We make no criticism of any station or network for accepting Communist speeches, but our own course is clear. We are certain that the loyal Americans who make up the vast majority of our far-flung audience have no interest in listening to the propagation of alien, totalitarian doctrines. We say again, as we said last June, that it is not in the public interest to disseminate such propaganda, particularly at a time when our men and our resources are being marshaled for defense against the originators of these doctrines.

Any political party, so-called, which does not come before the court of American public opinion with clean hands as regards loyalty to our free institutions, deserves no hearing from our citizens.

Bob Catherwood's Job

Robert Catherwood, one-time WOR, New York salesman, was established this week as national sales manager of WAAT, Jersey City.

Which means he'll be mostly on the Manhattan side of the creek.

IN BALTIMORE ITS WE BR

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.
ON THE NBC RED NETWORK

Ken Gardner Gets Title

Rochester, N. Y., Oct. 1. Kenneth Gardner, assistant engineer for WHAM, has been named chief engineer to succeed John J. Long, Jr., who was killed in an automobile accident last May.

Gardner, acting chief since the fatality, has been with the station 15 years.

When you think of
NEW ORLEANS
you think of:

The **OLD FRENCH MARKET**



and

WWL
NEW ORLEANS

50,000 WATTS

The greatest selling POWER in the South's greatest city

CBS AFFILIATE... NATIONAL REPRESENTATIVE... THE KATZ AGENCY, INC.

Lively
Showmanship
WINS LARGER AUDIENCES
in the
**INTERMOUNTAIN
MARKET**

FOR **KOYL**

Representative
**JOHN BLAIR
& COMPANY**

The POPULAR Station
Salt Lake City

**NBC
RED
NETWORK**

KGLO, Mason City, Gets 1,000 Watts Despite Lutheran College Protest

Washington, Oct. 1. Frequency switch from 1210 to 1270 kc. and power jump from 100 watts nights, 250 watts days, to 1 kw all times, was tentatively okayed last week by the FCC for KGLO, Mason City, Ia. Station, owned and operated by the Mason City Globe Gazette. Was opposed by KGCA, Charles Walter Greenley, and KWLC, Luther College, both of Decorah, Ia. The Decorah stations use the 1270 kc. frequency sought by the Mason City transmitter.

Renewal of KGCA's license apparently will be denied as in default, because of applicant's failure to appear before the Commish to offer evidence in support of its theory that KGLO was not entitled to horn in. The college-owned transmitter—KWLC—was politely advised to move to another frequency, particularly since a switch to 1210 kc. (KGLO's present berth) probably would make possible the service of an even larger area for KWLC than it already controls. It was further

pointed out that the newspaper-owned station has offered to replace the present equipment of KWLC (and also KGCA) free of charge, in order to take over the coveted 1270 kc. ribbon.

Pointing out that Luther College could obtain new, approved equipment for the operation of KWLC on 1210 kc. 'without incurring expense,' Commish somewhat acidly remarked that:

"The offer (of free re-equipment) has so far been refused by the implications of the opposition raised by Luther College to the application of the Mason City Globe Gazette. But according to the representations of the latter applicant as submitted in its application, in its offer of evidence in support of the same, and in its proposed findings, the offer is still open."

A diversified program service, including network programs, is rendered by KGLO, the proposed finding of the Commish explained, while the station operated by an or-

SYDNEY MOSELEY IN EL. ROOSEVELT TIME

Sydney A. Moseley steps into the Monday - Wednesday - Friday 8:15 niche on WMCA, New York as sustaining commentator. Spot is being vacated by Elliott Roosevelt (Dr. Lyon's Tooth Powder) who takes up his duties as an army captain.

Moseley is a one-time London radio editor, television expert and globe-trotting journalist. He has been on WMCA some time at a different hour.

Dr. Lyons dentifrice is not replacing Elliott Roosevelt's commentator transcripts when the latter series expire this Monday (7). There had been talk about Boske Carter doing six programs a week for the account, but that is now out.

ganization of the Lutheran religion, limits its broadcasts to about four hours a day during the school year and to one hour a day during the summer vacation period.

Winnipeg—New CJRC announcers are Stuart MacPherson, ex-BBC; Stuart McKay, from CJCA, Edmonton, and Jack Dennet, from CFAC, Calgary.

Harshbarger Presides Oct. 17-19 At Iowa State Educational Rally

Iowa City, Oct. 1. Everything from 'How to Build a Radio Audience' to 'Planning Programs for Local Clubs' and 'What Should the Farm Program Be,' will be up for discussion on Oct. 17-18-19 when the State University of Iowa's First Annual Conference on Problems in Applied Radio gets under way. Dr. James R. Angell, educational counselor for NBC in New York, will open the conference with an address on 'The Place of Radio in a Democracy.' Earle McGill, casting director for CBS, will conduct a demonstration. J. Oren Weaver, CBS midwest director of public affairs, and others will appear.

Ed Mason, WLW director of farm programs, will lead the search for new ideas in agricultural broadcasting. Newscasts will be considered by J. Oren Weaver, Jack Shelley of WHO, Des Moines, and Douglas Grant of WMT, Cedar Rapids.

Radio research session will be conducted by H. B. Summers of Kansas State College.

Luella Hoskins of Chicago's Radio Council, Lavinia Schwartz, CBS midwest educational director; Judith Waller, NBC educational director; Harriet Hester, of WLS, and Harriet Edwards of KMOX, will all cooperate in an attempt to probe educational broadcasts.

Dr. H. Clay Harshbarger of Iowa's department of speech is director of the conference.

MBS' Dixie Additions

Four more Southern stations joined the Mutual network over the weekend, bringing the number of affiliates to 154.

Newcomers are WSGN, Birmingham; WJBY, Gadsden, Ala.; WGH, Newport News; WDAK, West Point, Ga.

thank you, VARIETY...

BESSIE BEATTY
Talk
45 Mins.
DOLLY MADISON ICE CREAM
New York Telephone
Daily, 11:15 a.m.
WOR, New York

Bessie Beatty, the new 'Martha Deane' (although called by her right name), has the gift of gab. She demonstrated this conclusively on her inaugural broadcast Monday when, with some momentary 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.

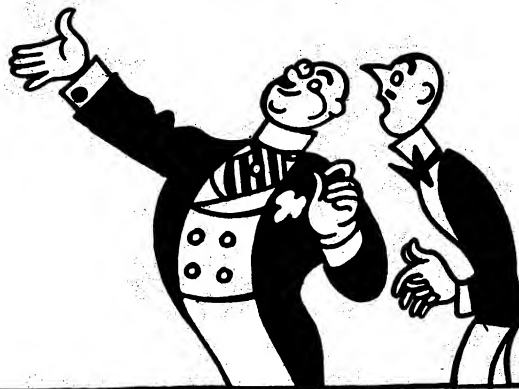
Miss Beatty has a varied background as magazine editor and writer, European correspondent, wife of an actor, world traveler, and dilettante in many fields. She begins by saying she loves people, and makes that sound not only true but free of the gushiness such a statement would carry if uttered by most lips. Great experience 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 McBride, 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 Deane, 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.

and you, too, Bob Landry!*



WOR's new "Martha Deane" is everything you say she is—and MORE!

The MORE includes...she's got a few choice spots open for immediate sale—She's pulling a new, enthusiastic, appreciative audience—She's ready (we predict) to do a bigger and better selling job than anybody's ever done in this town!

WOR

Wire, phone, write for full particulars—WOR, New York, 1440 Broadway; Chicago, Tribune Tower; San Francisco, Russ Bldg.; Boston, 80 Federal St.

*She must be good—when a Variety mugg admits it!

New Balto Biz Offsets Cancellations, Arrow Beer Buys Post-Series Spots

Baltimore, Oct. 1. New biz and renewals offsetting cancellations here this week with an even keel being maintained by all stations. Automotive business adding to count, with WBAL taking Mutual's half-hour 'Show of the Week' and selling it locally to a combination of dealers. Ford and Studebaker also buying on WFBR.

Mutual's World Series will be pumped into WCBM here, further swinging to that station away from WBAL, NBC Blue outlet. Before and after spots for the ball games have been sold to Arrow Beer, local brewery, through Joseph Katz Agency.

WFBR: International Salt, through J. M. Mathes, 78 participating spots on 'Every Woman's Hour'; Maryland Pharmaceutical Co. (Rem and Rel), 104 one-minute transcribed spots through Jos. Katz; Bond Stores, renewal through Neff-Rogers, of 312 quarter-hour airings of 'Alarm Clock Capers'; Just Rite Co., via Rich. A. Foley, 39 one-minute transcribed a.m. announcements; Household Finance, renewed through BBD&O, 52 quarter-hour shows; Potter Drug & Chemical (Cuticura) through Atherton & Currier, renewed 64 one-minute daytime transcribed spots; Vicks, 78 five-minute noontime newscasts, through Morse International; Brown & Williamson (Wings Kings) via Russel M. Seeds, 24 daytime and 12 night announcements; Ford Motors, McCann-Erickson, 14 spots; Studebaker, through Roche, Williams & Cunningham, two quarter-hour programs a week.

WCBM: World's Series (Mutual), preceeding and concluding spots to Arrow Beer, via Jos. Katz; Woman's Home Companion (Jean Abbey), through McCann-Erickson, 15 minutes daily; Ovaltine, via Blackett, Sample, Hummert, 'Captain Midnight', five quarter-hours weekly.

WBAL: Carleton & Hovey (Father John), through John W. Queen, 156 hundred word spots; Doubleday-Doran, via H. C. Morris & Co., 5 five-minute programs; O'Neill's Department Store, five 75-word spots;

Rosenthal's Department Store, 13 quarter-hours, 'Is That Your Name?' quiz shows, through Samson Feldman; Ayares Small Loan Co., through Trivas-Azrael, 52 spots; Careful Laundry, 15 spots through Jos. Wilner; Baltimore Spring Bed, via Louis Schechter, two spots a week.

Sept. 28 Compared to Sept. 21				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
7,425	4,719	2,180	14,324	
7,420	4,747	2,020	14,197	
	-0.6%	+7.9%	+0.9%	

*No change.
(Included: WBAL, WCAO, WCBM, WFBR)

M-G Nixes Czech

Continued from page 3

producers name. Thus they would be known only as Hunt Stromberg productions, Ben Goetz productions, Edgar Selwyn productions, etc.

Gestapo methods were used by the Nazis in ferreting out the slightest anti-German slant in American films of the last eight years or more and using such as reason for barring U. S. distributors from Hitler-controlled European territory. That is the conclusion reached by New York officials after reading the official summary of why they were barred from most of France as well as Belgium, Holland, Denmark and Norway.

Slightest anti-Germanic angle in films dating back to the 'Big Parade' era of pictures were uncovered by Nazi agents; with many U. S. executives marveling at the censor sleuths' propensity for finding anything wrong with these ante-bellum World War I pictures. Nevertheless, many of such oldie productions were listed by the German government as excuse for barring American distributors from further distribution in the countries listed. Of course, the more recent and pointedly anti-Nazi features are included in such lists and obviously are the basic reason behind the ban.

'Maiden' Suit

Continued from page 2

again assigned it to Francis, Day & Hunter for an additional period of 28 years.

The defendants are accused of having infringed by presenting the musical in part or whole since that date. The Shuberts have gone so far as to claim rights in it, and to have sued others for alleged infringement.

Shuberts' Rights

Plaintiff in this instance asserts that the Shuberts' rights, which were obtained through an agreement made May 20, 1920 between one Tom D. Davis and Lee Shubert, granted the Shuberts certain presentation rights, but the agreement was effective only during the original life of the copyright, and not after the renewal in 1927. Despite this contention on the part of the plaintiffs, the Shuberts have persisted in claiming rights to the musical, it is charged, and even now have an action in the N.Y. supreme court against Jack Kirkland, who is a co-defendant in this suit also, seeking \$25,000 damages for the use by Kirkland, in his play, 'I Must Love Someone' of the 'Floradora Sextet.' The Shuberts claim to be the sole and exclusive owner of the dramatic and performing rights of 'Floradora' for the U. S. and Canada in this action.

The Shubert suit against Kirkland, incidentally, is significant in one respect, in that the complaint does not ask damages for infringement, an action which should be filed in the Federal court, but rather for 'unfair competition.' In this the question of copyright is avoided, as copyright cannot be asserted in the supreme court, by a decision under a George M. Cohan suit against Robbins Music Corp., where it was held that copyright infringement was Federal court jurisdiction.

Rose is brought into the picture through his niter presentation of 'The Turn of the Century,' which ran two years at his Diamond Horseshoe cabaret, and where he used 'Tell Me Pretty Maiden' as a feature together with the 'Floradora Sextet.' Under the copyright law, if Rose is found guilty of infringement, he is subject to payment of \$50 per performance, or the profits from shows, whichever is estimated to exceed \$100,000. The action against Kirkland is similar to that against Rose in that he also used the sextet and 'Tell Me Pretty Maiden' in 'I Must Love Someone.' Actions will be started by Julian T. Abeles, attorney for Francis, Day & Hunter, against others who have used any part of 'Floradora' since 1927. This will no doubt include the major radio chains as well.

Foreign Mgrs.

Continued from page 3

European chief, and Ernest Koenig, Universal's manager in Europe, presently are closest to the actual European setup. Armour is headquartered in Lisbon while Koenig still was in Paris on last report.

Meantime, actual work in the home office foreign departments has increased heavily because countries in which distribution continues must be serviced directly from New York instead of Paris. For example, this means most majors must ship to Finland, Sweden and Norway as well as the Balkan countries. Several companies still are being allowed to operate in Norway, even though it's Nazi-dominated.

If there are no further wartime threats in the Balkans, there is a good likelihood that many U. S. companies will establish headquarters in Athens for nearby nations.

SHOCKING DISCOVERY

Staff Intellectuals Uncovered at WJSU, Washington

Washington, Oct. 1.

Literary aspirations of the WJSV staff are causing considerable consternation, among station execs who were unaware that several staff members are devoting their spare time to the writing of books.

Coincidentally with the revelation that James Hurlburt of the WJSV newsroom had completed a 15,000-word detective story, it was discovered that J. Gunnar Back, announcer, is working on a novel of the northwest timber country. Half of a volume on philosophy has been finished by Lois Dasher of the program department, who is currently working on the remaining half and who also has just completed song, 'Burning Tears'—for which she wrote both words and music.

Cool Weather Braces Salt Lake City Units

Salt Lake City, Oct. 1.

And still the contracts pour in. The coming of cooler weather finds heaters, cool, cold remedies and fur coats again being plugged, contributing to this week's heavy increase in local business. Next week, bigger boom is expected in both national and network.

KDYL: Arthur Frank Clothing, 52 five-minute newscasts; Burbridge Coal, 13 five-minute programs; Nehl Bottling Co., 12 quarter-hour programs; Firmage For Men, eight 15-minute programs; Continental Cleaners, 26 announcements; Traveler's Oil, 39 announcements; Ex-cel-cis Beauty Salon, 26 100-word spots; M & M Appliance, 26 announcements; Service Coal Co., 13 100-word spots; Peter Pan Cafe, 26 announcements.

KSL: Waverly Fabrics, through Anderson-Davis & Clapp, series of 100-word spots; Thrifty Heater Burner, through Shaeffer-Brannen-Margulis, renewal series of five-minute spots; Studebaker Motor, through Roche, Williams and Cunningham, series of quarter-hour spots, twice weekly; Mentalolam, series of 50-word announcements; Plough Aspirin, series of daytime and evening spot announcements; Gamble Stores, series of 50-word announcements. Local business includes: Florshelm Shoe Co., series of quarter-hour programs; Duplex Fur Co., quarter-hour evening programs, twice weekly; I. & M. Rug & Linoleum, series of 100-word spots; Bennett Motor Co., series of 50-word spots; Bennett Glass & Paint Co., series of 50-word spots; American Fur Co., series of daytime and evening spots; Deseret Gymnasium, series of 50-word spots; Standard Optical Co., series of evening and daytime spots; Citizens Coal Co., through R. T. Harris Advertising Agency, 100-word spots, 200 times.

KUTA: Spring Canyon Coal, through Featherstone Advertising Agency, 100 spot announcements; Bennett Motor, through Pickering Advertising Agency, 12 spots; 'Grains of Gold' for daily participation on Bill Seare's Almanac program, through Featherstone Advertising Agency, six-month contract; Bluebell Gasoline, University of Utah-Santa Clara football game; Mayflower and Beau Brummel Cafes, through Featherstone Advertising Agency; 365 announcements.

Sept. 28 Compared to Sept. 21				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
6,591	2,519	560	9,670	
6,446	2,221	570	9,237	
+2.2%	+13%	-1.8%	+4.7%	

(Included: KDYL, KSL, KUTA)

INDICTED FOR ILLEGAL BROADCAST OPERATION

Erie, Pa., Oct. 1.

Federal grand jury recently indicted Paul Wyant, New Florence, Pa., on three counts of operating a radio station and interfering with regularly licensed radio stations, and on one count of operating a radio station without a license. George Meshank, deputy United States attorney, said that Wyant's station interfered with the operation of WTAM, Cleveland; WBZ, Boston, and WMUA, Wheeling, W. Va., before federal agents located his equipment in a garage.

John T. Hart, Pittsburgh, was indicted on two counts, operating an unlicensed radio station and operating a radio station without a license.

Detroit—With Don Sims, of the CKLW continuity staff taking up his station managing duties at WWSL, Decatur, Ala., Bruce Chick has taken over the continuity department. The latter also will continue his evening newscasts and announcing. Frank Burke has taken charge of the promotion at the Windsor, Ont., station.

**BIG
SHOWS
MEAN
Guaranteed
Audience**

Just Check the
WSPD Schedule

—and it's easy to see
why so many National
advertisers use this station
to cover Northwest-
ern Ohio and Southern
Michigan.

**NBC
Basic Red**

★
5000 WATTS

★
Represented Nationally
By The Katz Agency

WSPD

A Fort Industry Station

TOLEDO, OHIO



JANE FROMAN

Currently

PARAMOUNT, NEW YORK

Management—COLUMBIA ARTISTS BUREAU

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE
LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap - 99% pure

LISTEN TWICE DAILY

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

IN . .

5:45-6 P.M., EST

COAST TO COAST

By COMPTON ADVERTISING AGENCY

MGT. ED WOLF—RKO BLDG., NEW YORK CITY

WMAQ-WENR SHOW INCREASE

Chicago, Oct. 1.
WMAQ: Barbasol, five-minute periods three times weekly for 30 weeks, through Erwin-Wasey; Grove Laboratories, 15 minutes five times weekly for Bromo Quinine, through J. Walter Thompson. WMAQ and the NBC blue outlet here, WENR, are considerably ahead of last year's billings. WENR reports September 1940 as 117% ahead of 1939 and WMAQ at 34% ahead.

WFCL: Schwimmer & Scott agency here set a flock of time on the station for Madera Wineries, using 15-minute periods 10 times weekly plus 49 announcements weekly.

WGN: Tunis Johnson Cigar company, one announcement daily Monday - through - Saturday, through Spector-Goodman agency; Sawyer Biscuit, one-minute participation announcements six times weekly, through Neisse-Meyhoff, Carson, Florio, Scott company, 15 minutes five times weekly, through Stack-Goble; Olson Rug company, 15 minutes three times weekly, through Presba, Fellers & Presba; Lorillard Company, 15-minute sports review three times weekly, through Lennen & Mitchell; Grove Laboratories, 30 minutes once-weekly through the Stack-Goble agency.

WGN will carry collegiate football this season under sponsorship of the Ford Dealers of Chicago, and with Ford Station at the Mike Cramer will include the key tussles of Northwestern, Illinois and Notre Dame.

Will be the only network stations in Chicago carrying football on a commercial basis. Schedule runs from Oct. 5 to Nov. 23.

WBBM: Stephano Bros., 15-minute sports review three times weekly, through Aitkin-Kynett; Peter Hand Brewery, five minutes three times weekly, through Mitchell-Faust agency; Maryland Pharmaceutical company, one-minute announcements six times weekly through the Joseph Katz agency; Ford Motor company, time signal announcements through McCann-Erickson agency.

Sept. 28 Compared to Sept. 21				
Network Units	Local Units	National Spot Units	Total Units	
8,440	5,780	10,725	25,945	
9,315	5,711	10,611	25,637	
+13%	+12%	+11%	+12%	

(Included: WBBM, WENR, WGN, WIND, WJJD, WLS, WMAQ)

ALL BRACKETS BOOSTED IN CINCY; SPOT FINE

Cincinnati, Oct. 1.
Another bulge last week in all brackets set big marks at a lofty level for the session before time change, when the year's heftiest gains are recorded.

WKRC added Art Dry Cleaning Co., through the Allen Heaton & McDonald agency, local, for five-minute news periods, five days a week. Its new spot-accounts include Otto Grau, Inc., piano firm; Ford Motor Car Co., through McCann-Erickson, Cleveland; Western Maine Forest Nursery, through John A. Smith & Staff, Boston; Hartman Business Brokers, Tresler Oil Co., Cincy; and the Socialist Party of America, through Harry M. Miller agency, local.

Sept. 28 Compared to Sept. 21				
Network Units	Local Units	National Spot Units	Total Units	
4,822	9,757	5,808	20,387	
4,765	9,673	5,738	20,166	
+14%	+0.9%	+1.2%	+1.1%	

(Included: WCPO, WKRC, WLW, WSAI)

Binghamton Radio Station Project Incorporates

Albany, N. Y., Oct. 1.
Triple-Cities Broadcasting Co., Inc., has been chartered to conduct a radio broadcasting business in Binghamton. Capital stock is 1,500 shares, 1,000 preferred at \$50 par value, and 500 common at no par value.

Directors, each holding 10 shares, are: Roger J. Lampann, Johnson City; Walter J. Lyon, Binghamton; L. Nelson Simmons, Ithaca. Albert R. Treman, Ithaca, was filing attorney.

Buffalo - Fran Hines, ex-Harry James vocalist, is back on WGR-WKEW staff.

SPORTS AND NEWS BIG ITEMS IN SAN ANTONIO

San Antonio, Oct. 1.
Football season was christened on the regional webs Saturday (28). With time changes and new fall schedules getting under way next week, new highs in all departments will be noted.

WOAI: Swift Packing Co. special half-hour program through NBC; Prize Parade, three times weekly quarter-hour from KPRC on Texas Quality Network for Gulf Brewing Co., through Rogers-Gano; No Third Term Democrats, one hour and fifteen minutes through TQN; Standard Brands (Fleischmann Foli Yeast) 10 announcements per week through Kenyon & Eckhart; Leona Bender's 'Women's Page of the Air' quarter-hour Monday, Wednesday and Friday to Vicks Chemical Co., through Morse International; Folger Coffee Co., transcribed quarter-hour program Monday through Friday via Lord & Thomas; First Federal Savings and Loan Association, quarter-hour 'News Roundup' each Sunday, direct; Southwestern Drug Co., newscasts for Red Arrow Cold Remedies through Rudrauff & Ryan; Davis Hat Co., through Grant Agency, two 30-word announcements per week; Crustene Shortening (Pancrust Flato Co.) through Franke-Wilkinson-Schwitz; Bulova Watch Co., through Biow Co., three time signals nightly for one year; Lydia Pinkham Compound announcements through Erwin, Wasey; Peter Paul Inc. (Mounds Candy) through Platt-Forbes Inc., one-minute announcements daily; Humble Oil and Refin-

ing Co., Southwestern Conference Football games through TQN, placed by Franke-Wilkinson-Schwitz; Ford Motor Co., through McCann-Erickson, 14 one-hundred word announcements; American Chicle Co., through Badger, Browning & Hersey, daily afternoon newscasts across the board; Comet Rice Mills, through Freitag Adv. Co., 25-word announcements for 13 weeks; Superflex Heaters (Perfection Stove Co.), through McCann-Erickson, three announcements per week 39 times.

KONO: Taylor Tabernacle, daily quarter-hour remote; Dollar Wave Shop, three quarter-hour studio programs.

KABC: Station has again sold final series of games between Detroit and Cleveland to three co-sponsors: Fomby Clothing Co., Scooby Fireproof Storage Co. and Union Auto Supply Co. 'Show of the Week' has been sold to the Joske Co. Station has also been set to broadcast the World Series games through Mutual starting Wednesday for Gillette Safety Razor Co. 'Double or Nothing' for Peenamint coming through Mutual network.

Sept. 28 Compared to Sept. 21				
Network Units	Local Units	National Spot Units	Total Units	
5,780	8,464	1,115	15,359	
5,370	8,333	1,097	14,800	
+7.6%	+1.6%	1.6%	+3.8%	

(Included: KABC, KMAC, KONO, KTSA, WOAI)

Spartanburg, S. C. - Hattie Boyd has resigned as Spartanburg Journal society editor, to join WSPA commercial department, James Mugford and Richard Pattison, former WSPA staffers, have resigned, Mugford returning to New York and Pattison going back to Indianapolis.

Advent of Football Commercials Helps An Uplooking Denver

Denver, Oct. 1.
Gains in all categories marked the start of the new season, with larger leaps anticipated in forthcoming reports. Rocky Mountain Ford Dealers Association bought the first football games sold in this territory. They include five games to be played by the University of Colorado, via KLZ.

KLZ: Rainbow Ballroom, three half-hour remotes weekly; Florsheim Shoe Shop, through McJunkin agency, 13 quarter-hours; Chrysler Corp., through J. Stirling Getchell agency, 52 spots; Ford Motor Co., through McCann-Erickson, seven announcements; Mammoth Gardens, through Max Goldberg agency, 104 daytime spots; W. T. Grant & Co., through Max Goldberg agency, 26 spots and six daytime quarter-hour remotes; Rocky Mountain Ford Dealers Assn., through McCann-Erickson, five football games from University of Colorado; Beaumont Laboratories, through H. W. Kastor & Sons agency, 40 one-minute transcribed announcements; Monarch Cleaners & Dyers, 13 spots; Walgreen Drug, through Schwimmer & Scott, seven announcements to follow football broadcasts.

KOA: Tom Killiam for Stokermatic Stokers, 27 spots; Bristol Myers Co., through Young & Rubicam agency, 78 announcements; Faultless Starch Co., through Ferry-Hanly agency, 108 announcements; Mack-

lem Baking Co., through Robertson agency, four station breaks.

KFEL: Davis & Shaw Furniture, through Broyles agency, five announcements weekly for nine months; Denver Dry Goods Co., for Chambers Range, 13 announcements; agency, one announcements daily for eight weeks; Aeroplane Ballroom, 60 announcements; American Typewriter Co., one spot daily, one month; Ex-Lax, through Jos. Katz, five announcements weekly, three months; Pacquin Hand Cream, through Wm. Esty, three announcements weekly, six months.

Sept. 28 Compared to Sept. 21				
Network Units	Local Units	National Spot Units	Total Units	
6,889	4,183	1,542	12,614	
6,774	4,153	1,458	12,355	
+1.7%	+0.7%	+5.8%	+2.1%	

(Included: KFEL, KLS, KOA, KVOD)

R. J. Scott as 4A's Radio Chairman for Midwest

Chicago, Oct. 1.
R. J. Scott, of the Schwimmer & Scott agency here, has been appointed chairman of the Radio Committee of the Central Council of the American Association of Advertising Agencies.

Scott has also been named to represent the Central Council on the National Radio Committee of the Association.

OCTOBER 2, 1940

TEXACO STAR THEATRE

presents a

Rollicking Radio Rodeo

Comedy by

FRED ALLEN

Songs By

KENNY BAKER

Music By

AL GOODMAN'S Swingphonic Orchestra

Discreet Banter By

PORTLAND HOFFA

Vocal Ensembles By

THE TEXACO SINGERS

Entertainment By

MAJOR BOWES' AMATEUR OF THE MONTH

Hokum By

MINERVA PIOUS — JOHN BROWN — CHARLES CANTOR — ALAN REED

Jokes By

ARNOLD AUERBACH
HERMAN WOUK
FRED ALLEN

Commercials By

JAMES WALLINGTON
LARRY ELLIOT

More Jokes By

ROLAND KIBBEE
NAT HEIKEN
FRED ALLEN

Production By

WILLIAM SCHORR

Management:

WALTER BATCHELOR

Network: COLUMBIA

Under Direction:

BUCHANAN AGENCY

WEDNESDAY NIGHTS—STATION WABC—9 TO 10 P.M., EST

P. S. "If the people working on the program listen to it we have enough followers to insure a good Crossley."

Louisville Outlook Perky

Local Programs and New Fall Activity Reflects Hustling Attitude

By GEORGE WIEDERHOLD

Louisville, Oct. 1.

Town's four stations all got under way with the time change Sunday (29), and prospects are rosy for the heaviest commercial schedules in the history of radio in Louisville. This, in view of the fact that the town has more stations than ever before.

WHAS comes on the air a half hour earlier, and stays an hour later, under the new schedule. Service hours now are from 4:30 a.m. to 1 a.m. Station has sold two early morning spots to the drug trade—from 5 to 6 a.m. and from 6:30 to 7:15 a.m. using hillbilly talent. Station will carry six local newscasts each day, and as an enlarged part of the educational program will schedule regular airings for the University of Indiana, University of Kentucky, University of Louisville, and Asbury College of Wilmore, Ky.

Public service programs will include Saturday airings of the American Farmer, conducted by John F. Merrifield, WHAS agricultural coordinator, and airings by the University of America; Indiana Farm Bureau and Kentucky Farm Bureau.

WHAS will emphasize regional service in the sports field, and will eliminate network football airings this fall. Station will cover games played by University of Kentucky, Indiana University, and Purdue, with George Walsh at the mike.

WGRC, local Mutual outlet, will again carry the World Series, and on Saturdays will air the outstanding football games carried by Mutual. Locally, the station has exclusive rights to air Male and St. Xavier high school football games, and will carry a heavy schedule of network and local news broadcasts. Station

Armour Plaque

Lord & Thomas and the Armour Packing Co. will hypo their radio outlets on the "Your Treat" show by awarding bronze plaque to stations giving the best cooperation on a milk coat contest in connection with their program. Will award three plaques and 10 certificates of honorable mention on the basis of the amount of publicity in relation to the size of each of the 55 stations carrying the recorded 15-minute musical.

has also started a three-a-week "Man on Street" airing, in the negro district, with an influential negro doing the interviewing. Program is on the serious side, although at times dipping in the comedy department with such questions as "Do you prefer pork chops or chicken?" WGRC will continue several public service features, including airings from the City Council, safety clubs, etc.

WAVE, local NBC Red outlet, will soon take the air with its new 5 k.w. job and is carrying a heavy schedule of NBC commercials, as well as a wellfilled national spot lineup. In the sport department WAVE

Chemical House Resumes Local Radio Activity

Troy, N. Y., Oct. 1.

Jim Healey, in addition to a new series of commentaries for Saratoga Vichy on WGY, Schenectady, will inaugurate tomorrow (2) on WTRY a thrice-weekly afternoon quarter-hour for Fort Orange Chemical Co. of Albany (De Luxe Manicure Preparations). Healey gears his program for women listeners—something new for him on other waves.

It's first important use of radio by Fort Orange Chemical since about 1934, when company sponsored a musical show on WGY. Leighton & Nelson is agency.

is carrying network football games, and airs local high school games played by DuPont Manual. Don Hill has two daily 15-minute spots, one at 6:30 p.m. daily sponsored by local Ford Dealers.

WINN, new entry, is picking up, both in commercial time, and in quality of sustaining material. Station makes a particular point of its news service, airing each hour on the hour, and emphasizes its transcribed serials during the evening hours.

L. A. NATL. SPOT STRONG; WEB DITTO

Los Angeles, Oct. 1.

As is customary at this season, national spot and network units made the best showings. KNX got the healthiest haul for itself in the spot category when it signed Eagle Oil & Refining to a huge contract. This biz was all the sweeter, since Eagle originally had contemplated using only newspapers and billboards to the exclusion of radio.

KNX: Eagle Oil & Refining, 78 quarter-hour sports programs, through General Advertising; Zeeman Clothing, 39 participations in newscasts, through Lockwood-Shackelford; Iris canned goods, 1,820 time signals, through Robert Smith; Chevrolet, 24 time signals, through Campbell-Ewald; Broadway department store, 16 time signals, through Lee Ringer; Baker shoes, six participations in "Sunrise Salute," through Sidney Garfinkel.

KFI: Ford Motor, seven participations, through McCann-Erickson; Armand face powder, 65 participations in Art Baker's "Notebook" and Bridge Club, through Russel M. Seeds; Pacific Can Co., eight participations, through Leon Livingston.

KECA: Sears-Roebuck, nine one-minute participations, through Mayers Co.; Flamingo nail polish, 138 spots, through Milton Weinberg.

KFWB: Broadway department store, 20 spots, through BBD&O; Democratic Central Committee, 15 spots, through Allied Adv.

Sept. 28 Compared to Sept. 21

Network	Local	National	Total
Units	Units	Spot Units	Units
9,922	10,708	1,974	22,604
9,818	10,621	1,952	22,391
+1.1%	+0.8%	+1.1%	+1.0%

(Included: KECA, KFI, KFWB, KFI, KNX)

SEATTLE GAINS 4.8%

Web Units Take Huge Jump—Dept. Stores Wooling Radio

Seattle, Oct. 1.
Networks went into high gear last week, with the result that units in the web bin jumped 15.2%. Less spectacular, but every bit as welcome, are the gains in local and national spot time. Local biz has been especially heartening here of late. Department stores are showing more interest in radio than ever before, and that rates cheers all around.

Sept. 28 Compared to Sept. 21

Network	Local	National	Total
Units	Units	Spot Units	Units
4,975	13,002	1,432	19,409
4,320	12,792	1,397	18,509
+15.2%	+1.6%	+2.5%	+4.8%

(Included: KIRO, KOL, KRSC, KKA)

New Accts. in Cleveland

Cleveland, Oct. 1.

Fleetwing gasoline has purchased Thursday and Saturday evening spots at WGAR for grid predictions and scores. Bob Kelley, who handles pro grid broadcasts, handles show and has arranged for board of experts to make predictions. These include Dutch Clark, Cleveland Ram coach, and coaches Bill Edwards (Western Reserve), Ray Ride (Case), Tom Conley (John Carroll) and Ray Watts (Baldwin Wallace).

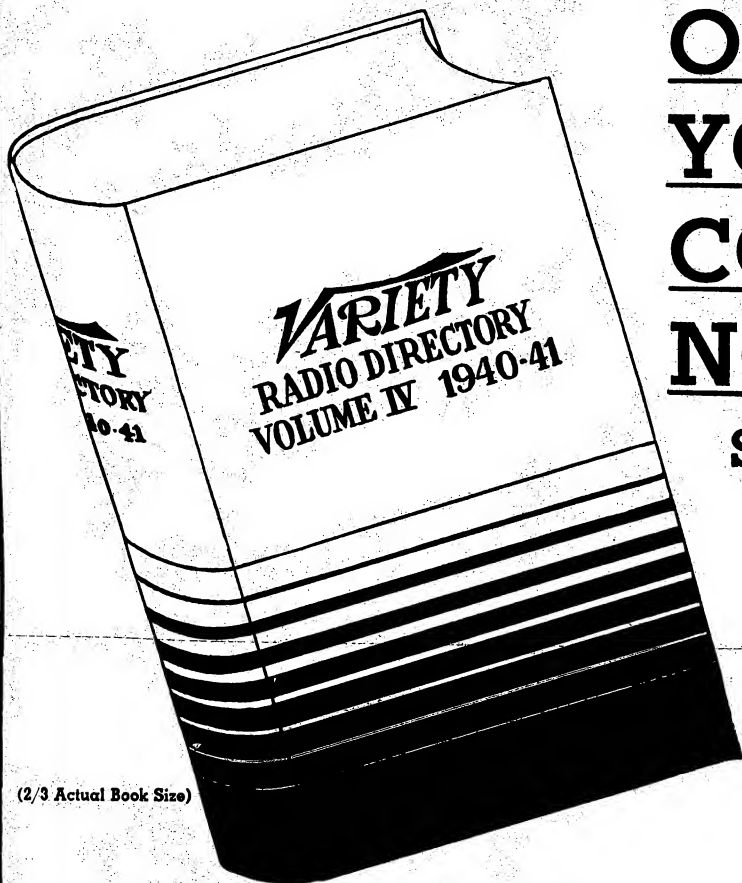
Cleveland-Detroit ball game here Friday (27) was important enough to lure three stations to Cleveland for direct broadcasts. Ty Tyson handled for WWJ, Harry Hellman did play by play for WKYZ, and Bob Elson was on hand for WGN.

Jerry Brondfield, NEA sports scribe, breaks into radio on Oct. 5 via WCLE with weekly half-hour Saturday show on football predictions. Brondfield plans also to use recorded interviews. Sponsor Lyon Tailors.

Bob Kelley slated to start Tuesday, Thursday and Friday 10-minute spot show via WGAR for B. R. Baker, downtown clothing establishment.

Burt's, Inc., making biggest one-day buy in local radio with purchase of nine solid hours, 8:30-5:30 Sunday (29), via WCLE. All interfering scheduled programs for day were cancelled.

ORDER
YOUR
COPY
NOW
\$5



(2/3 Actual Book Size)

VARIETY RADIO DIRECTORY 154 West 46th Street, New York

Please send.....copies of VARIETY RADIO DIRECTORY
(\$5 per copy; \$5.10 per copy in New York City).

☐ Check Enclosed ☐ Send Invoice

Name

Address

City State

Firm

ON SALE

— AT —

NEW YORK
154 West 46th St.

CHICAGO
54 West Randolph

HOLLYWOOD
1708 North Vine St.

Important National Spot Accounts Placed This Week

(According to Reports from VARIETY'S 'Radio Market Cities')

Account	Agency	Time Purchase
American Chicle	Badger, Browning & Hersey	1-Min. Spots
Armand Powder	Russell M. Seeds	Participations
Art Metal Works (Ronson)	Cecil & Presbrey	Station breaks
Baker Shoes	Sidney Garfinkel	Participations
Barbasol	Erwin, Wasey	5-Min. Spots
Beaumont Laboratories	H. W. Kastor	1-Min. Spots
Book-A-Month Club	H. Morris	5-Min. Spots
Bristol-Myers Club	Young & Rubicam	Announcements
Brown & Williamson	Russell M. Seeds	Announcements
(Wings Kings)	Blow Co.	Time Signals
Bulova	John W. Queen	100-Word Spots
Curlington & Hovey	Spot Broadcasting	1-Min. Spots
(Father John's)	Campbell-Ewald	Time Signals
Carter Products	J. Stirling Gutchell	Announcements
Chrysler	Young & Rubicam	1/4-Hour (Store News)
Cleut, Peabody	H. C. Morris	5-Min. Programs
Doubleday-Doran	General Adv.	1/4-Hours
Eagle Oil & Refining	Jos. Katz	Announcements
Ex-Lax	Ferry-Hanly	Announcements
Faultless Starch	Milton Weinberg	Spots
Flamingo Nail Polish	Lord & Thomas	1/4-Hours
Finger Coffee	McCann-Erickson	Spots
Ford Motors	J. Walter Thompson	1/4-Hours
Grove Labs. (Bromo Quinine)	BD&O	1/4-Hours
Household Finance	J. M. Mathes	Participations
International Salt	Robert Smith	Time Signals
Iris Canned Goods	Lennen & Mitchell	Sports Reviews
Madera Wineries	Schwimmer & Scott	1/4-Hours; Announcements
Maryland Pharmaceutical	Jos. Katz	Spots
(Rem and Rel)	Leon Livingston	Participations
Nestle's Milk Products	Maxon	Announcements
Norway Anti-Freeze	Presba, Bellers & Presba	1/4-Hours
Olson Rug	Platt-Forbes	Announcements
Peter Paul	Young & Rubicam	Announcements
Packard Motors	Newell-Emmett	Announcements
Pepsi-Cola	Wm. Esty	Announcements
Pacquin	Leon Livingston	Transcriptions
Pacific Can Co.	Erwin, Wasey	1-Min. Spots
Lydia Pinkham	Russell M. Seeds	Announcements
Pinex	Atherton & Currier	Spots
Potter Drug (Vitaura)	Neisser-Meyerhoff	Announcements
Sawyer Biscuit	Kenyon & Eckhardt	Announcements
Standard Brands	Altkin-Kynett	Sports Reviews
(Fleischmann's Foul Yeast)	Roché, Williams & Cunningham	1/4-Hours
Stephano Bros.	Spector-Goodman	Announcements
Studebaker	Morse International	Various
Tunis-Johnson Cigar	H. W. Kastor	1-Min. Spots
Vick Chemical	McCann-Erickson	1/4-Hours
White Laboratories		
Woman's Home Companion		

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Rosenthal's	Baltimore	1/4-Hour Quiz Shows
City of Paris	San Francisco	1/4-Hours
Hale Bros.	San Francisco	Spots
O'Connor, McCarroll	San Francisco	Spots
Broadway Dept. Store	Los Angeles	Time Signals
Carson, Pirie, Scott	Chicago	Five 1/4-Hours Weekly

NBC's \$3,879,779 September Ends Big 3d Quarter

NBC's time billings for last month not only established a new high for September but helped give the network the biggest third quarter it has ever had. The gross from the combined red and blue links the past month was \$3,879,779, which represents a margin of 17% over the \$3,215,307 derived for September, '39. Tally for this third quarter, the first coming under the incumbency of Niles Trammell as president, was \$11,448,479, or 15% the like quarter of last year.

Of equal note is the circumstance that the total for the 1940 third quarter is not far behind the accumulative figure for the first quarter of 1939. The initial quarter of each year is invariably the biggest of the year by a huge margin, with the third quarter rating second in relative proportion. On the first nine months of this year NBC has a gross of \$36,008,335, which is 10% above the parallel period of 1939.

Breakdown of this September's figures gives the red link \$4,132,000, or 13.9% better than last year's take. The blue was credited a time of \$747,774, a jump of 32.4% over the same link's September, '39 gross.

Johnny Neblett, sportscaster at KWK, is ringmaster for the St. Louis National Hotel Show, at which Tommy Dorsey and his orch are furnishing music.

Golden Peacock Cosmetics Using WSM, Nashville

Nashville, Oct. 1. Golden Peacock cosmetics has bought a live talent script show, 'Counter No. 7' on WSM, for airing three quarter hours a week.

With Joyce Foster the lead series will deal with adventures of girl clerk at a cosmetic counter. Trade name will not be mentioned during pilot phase of program.

TO-DAY'S RADIO BUSINESS

Chicago Sees Trend Away From Block Time Deals; Big Advertisers Over-Dominant

Chicago, Oct. 1. Block time may be on the way out in the business practice of the bigger stations of the nation, as these stations are now reported as finding that the sale of block time ties up too much of their schedules to too few big advertisers and gives these few buyers such terrific bargains that the stations are getting far less coin than they could by having more clients.

Baseball, musical clocks, 60-minute strips and other groupings of time for bargain purchases are proving in today's seller's market to be a detriment to the stations rather than an aid.

Radio executives have been taking pencil to paper and have been startled to learn that they are losing a huge amount of potential revenue by selling block time on a volume discount basis. Advertisers who buy block time on these stations are getting too great a bargain, the stations insist, and the time has passed when stations find it necessary to give away such bargains to get customers.

Silly In Fat Market. In the early days of radio block time volume rates were okay in the drive to obtain customers—but under today's fat market for time, the stations feel that they are getting the worst of the deal on the cheap rates of block sales.

Such a station as WBBM which nets \$125,000 for a

season of baseball could make more money by selling half of that time to a couple of sponsors, and it is admitted that the \$125,000 deal plus rights is just about the ceiling for baseball in this town.

Protter & Gamble, General Mills and other big sponsors buying huge chunks of time, get their quarter-hour rates down to a level that gives buyers of an hour strip a differential of 44% over buyers using a single 15-minute strip. And the top stations which have steady demand for their time now figure that they can make far more money by restricting the amount of time on such a discount basis, and that there are enough sponsors seeking air time that would fill up a station's schedule at top non-discount rates.

Even assuming that with the elimination of block time sales that the station might not sell out all of its remaining available time, the station execs feel that the sale of only a portion of the remaining available time would add up to more actual cash at the end of the year, and that the time would be figured on a non-volume basis and therefore at higher rates.

What it means in many instances is that basic rates themselves have reached about their top position for some time to come, and only through the elimination of block time discounts can these big stations increase their revenue potential.

WFIL's Teaser Wires

Philadelphia, Oct. 1. WFIL put on a teaser campaign to mark the entry on its schedule of the Lowell Thomas-Sunoco programs (NBC-blue) Sept. 30. Campaign opened with a wire reading, "This coming Monday WFIL pours new oil on troubled waters."

Following day there was another wire, "Clear your desks. WFIL pours oil on it Monday." The third day brought can of Sunoco household oil.

FRISCO STEADY, KFCR LANDS 'DIVORCE'

San Francisco, Oct. 1. KFCR's Bill Pabst beaming as result of signaturing deal which gives Mutual network 1 Want a Divorce starting Oct. 18. Biz was placed by Brisacher, Davis for Tea Garden Products, food account. Although pact was Hancocked here, show will originate in Los Angeles. Initial shot is for 26 weeks, half-hour weekly at 9:30 p.m. Fridays, EST, with a Coast repeat at 8:30 PST. Scripter gets a pay ride on 31 Don Lee stations, the Arizona Network, two Hawaiian outlets, one in Alaska (by transcription), plus Mutual units in New York, Chicago, Pittsburgh, Cleveland, St. Louis, and Ogden.

Mutual will sell the show locally on other outlets, program being available to balance of network on sustaining basis for regional disposal.

NBC collected a prestige break for itself this week by crashing exclusive I. Magnin windows for dis play tie-up, first time that has been done. Flock of photos plugging KGO-KPO shows linked with flash on the new RCA personal radios.

KPO snagged Mutual's 'Jack Armstrong' transcription series, five-a-week for Sperry, giving the web bulk of Sperry (General Mills) biz placed by Westco agency. Chain already carrying sponsor's Dr. Kate stripper five times per week, and Sam Hayes six-shot newscasts.

KFCR: National Funding Corp. (loans), through Smith & Bull, Los Angeles, participation in 'Rise and Shine,' five days weekly for one year; Central Bank of Oakland, through Emile Reinhardt, 180 spots; Insurance Management Co., through Allied Advertising, 13 quarter-hours; Carter Products, Inc., through Spot Broadcasting, 522 one-minute spots; Lydia Pinkham Medicine Co., through Erwin, Wasey, 65 one-minute spots; Henry Doelger, Inc. (real estate), 46 spots; White Laboratory, Inc., through H. W. Kastor & Sons, 52 one-minute spots; City of Paris Dry Goods Co., direct, five quarter-hours; Book-A-Week club, through H. C. Morris, five 5-minute spots; James McAllister (autos), through Yoemans and Foote, 10 spots; Hale Bros. (department store), through

Boosts of WJZ (133%), WEAF (65%) Symptomatic of N. Y.'s September Biz

DETROIT PLUS 0.9%

Brewers, Dept. Stores, Drug and Food Accounts Plentiful

Detroit, Oct. 1. Local units continue to pile up here even on the eve of the annual jump in the network time—excellent indication of healthy business. Sole decline was recorded by a slight drop in network time due to be corrected swiftly next week as the big advertising commitments come with the time change. Additions in advertisers have been widespread, with not only most stations gaining new customers but also diversifying accounts. Brewers, department stores, furriers, bakers, automobiles have been inked in plentifully.

WJKB lined up Pillsbury flour, one year of 15 minutes daily, six times a week; Lydia Pinkham, spot announcements, six times weekly for 13 weeks; Stark Piano Company, one year of 15-minute musicals, six times weekly.

WWJ: General Mills renewed contract for 52 weeks, six times weekly, 15 minutes of early morning 'Yawn Club' through Blackett, Sample, Hummert, Chicago; Cleut Peabody started Monday (Sept. 30), 15 minutes, six times weekly 'What's News in the Stores Today,' through Young & Rubicam.

At WXYZ Alka-Seltzer splashed with a heavy play putting in 'Sherlock Holmes,' 'Tommy Dorsey' and 'Ben Bernie.' Ralston and Fleischmann Yeast also signed up. Coca-Cola started Monday (Sept. 30), with 13 weeks of early morning 15-minute spots for kids, petter and music, six times weekly.

Sept. 28 Compared to Sept. 21				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
7,431	11,256	4,793	23,480	7,465
7,465	11,631	4,761	23,257	+2%
				+0.7%
				+0.9%
(Included: OKLW, WJKB, WJR, WMBC, WWJ, WXYZ)				

Segal, 10 spots; Chrysler Corp., through J. Stirling Gutchell, Detroit, 17 spots; O'Connor, Moffatt Co. (department store), through Ruthrauff & Ryan, 11 spots; Ford Motors, through McCann-Erickson, Detroit, seven spots.

Sept. 28 Compared to Sept. 21				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
8,190	4,358	2,014	15,562	8,945
8,945	4,666	1,999	15,610	+2.7%
				-6.6%
				+0.8%
				-0.3%
(Included: KFCR, KGO, KJBS, KPO, KSFO)				

Tire Co. Hires Crier. Lincoln, Neb., Oct. 1. John Bentley, sports editor of the Journal, was sold to Kinsey Tire-Goodrich for the football season on KFOR, 15 minutes 5 nights a week. It's his third air season.

Although NBC's WEAF and WJZ are not included in New York units, the spot biz garnered by these two stations in September is indicative of the general health of the radio industry in Gotham. Local time sales on WJZ were up 133% in September, while WEAF was 65% ahead of the same month in 1939. In combination the two stations licked September, 1939, by about 95%, and during the first nine months of this year over-shot the prior year by 66%.

WOR, New York, already scheduled to broadcast the Yale football games Saturday afternoon, will also air 54 play-by-play accounts of the Brooklyn Dodgers pro grid tilts. First four contests will be sustaining, the last five sponsored by Schick razor.

Schedule, starting this Friday (4) with a night game with Philadelphia at home, includes Pittsburgh (13) at home, Chicago Bears (20) away, Philadelphia (26) night away, Giants (Nov. 3) at home, Washington (10) at home, Cleveland (17) at home, Chicago Cards (24) at home and Giants (Dec. 1) at New York.

WHN: Pepsi-Cola Co., through Newell-Emmett Co., Inc., station-break announcements, daily for 13 weeks; Ex-Lax, Inc., through Joseph Katz Co., contract renewal for 13 weeks; Jacob Ruppert Brewery, through Ruthrauff & Ryan, contract renewal for 54 daily announcements.

WHN, N. Y., has a daily spot campaign from Father John's Medicine for 26 weeks.

WMCA: Packard Motor Co., through Young & Rubicam, announcements; Ex-Lax, Inc., through Joseph Katz Co., 13-week contract renewal, announcements; Nestle's Milk Products, Inc., through Leon Livingston Agency, participation in Ida Bailey Allen's program for 13 weeks; National Schools of Los Angeles, through Huber Hoge & Son, seven-week contract, 21 programs weekly; Ford Motor Co., through McCann-Erickson, Inc., announcements; Music Box Theatre, through Kayton-Spiro, announcements.

WNEW: Bulova Watch Co., through The Block Co., 10 half-hour announcements, daily for 13 weeks; Vick Chemical Co., through Morse International, Inc., 10 announcements weekly, 26 weeks; Geppert Studios, through Coolidge Advertising Co., 'Music Hall,' 13 weeks; New York State Bureau of Milk Publicity, through J. M. Mathes, Inc., 'Make Believe Ballroom,' 26 weeks; General Foods Corp. (Walter Baker Chocolates), through Benton & Bowles, Inc., 'Make Believe Ballroom,' 52 weeks; D'Arigo Brothers, through Chambers & Wiswell, 'Make Believe Ballroom,' 26 weeks; The Pinex Co., through Russell M. Seeds Co., 'Make Believe Ballroom,' 26 weeks; Charles W. Hoyt Co., Inc., 'Make Believe Ballroom,' 26 weeks.

WQR: Conti Products Corporation, Inc., through Birmingham, Castleman and Pierce, Inc., 'Great Masters'; Packard Cars, through Young & Rubicam, 20 spot announcements; Flint and Horner, three spot announcements weekly for nine weeks; Vick Chemical Co., through Morse International, five spot announcements announcements weekly for 26 weeks; Art Metal Works, Inc. (Ronson lighters), through Cecil & Presbrey, Inc., 28 station breaks weekly for two weeks.

Sept. 28 Compared to Sept. 21				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
630	11,295	10,311	22,298	630
				+1.5%
				+2.5%
				+1.9%

* No change. (Included: WHN, WMCA, WNEW, WOR, WQXI)

Des Moines Rosy

Des Moines, Oct. 1. Gains noted this week should be hyped considerably during the next stanza because of bumper crops and generally improved biz conditions.

Sept. 28 Compared to Sept. 21				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
7,031	2,891	3,888	13,760	6,875
				+2.8%
				+0.7%
				+2.1%
				+1.1%
(Included: KRNZ, KXO, WFOZ)				

Network Plugs, 8 A.M. to 1 A.M.

San Francisco, Sept. 25

after five numbers, had to come back and chat with the mob before they'd let him go. Added that it was due to his presence on program that affair was held indoors instead of in Federal Plaza as advertised. Thomas did 'Old Man River' with Jerome Kern at the piano, 'Sally, Won't You Come Back' with David Stamper accompanying, and 'Lord's Prayer' with Albert Hay Malotte conducting. Also piped 'Home on the Range' and 'Mighty Lak a Rose'.

Carrie Jacobs Bond followed 'Perfect Day' with her newest, 'The Flying Flag,' vocaled by Allan Lindquist. A heart-warming team were the Peter De Roses (May Singhi Green) doing 'Deep Purple,' 'When Your Hair Has Turned to Silver,' 'Ever Been Lonely?' and 'Somebody Loves You.'

Portly Mack Gordon got a laugh when he walked on to sing 'Ever See Dream Walking,' while Jean Schwartz's 'Chinatown' found warm spot in Frisco hearts.

Kern and Romberg
Jerome Kern and Sigmund Romberg could have hung around all night after running over the ivories and Jimmy Monaco had to tag 'Six Lessons' to his 'You Made Me Love You.' On a program where every number was supreme in its field Harry Armstrong provided a wallop just by being present, 'Sweet Adeline' being so traditional that few have ever given its composition a thought. They sang it with him— with a will.

The younger fans got a gasp out of vivacious Judy Garland, who stepped up to do "Over the Rainbow" with Harold Arlen punching the keys. With each introduction and with each melody as it began, round after round of ear-shattering applause greeted Leo Robin and Ralph Blane's "Love Is a Broom," Bill Hays' "Last Round Up," Arthur Freed's "My Melancholy Baby," Wolfe Gilbert's "Robert E. Lee," Bert Kalmar and Harry Ruby with three "Little Words," Walter Donaldson for "My Blue Heaven" and "My Buddy," Ann Ronnell's "Big Bad Wolf," Ralph Freed doing "Singing in the Rain," Harry Warren and Johnny Mercer for "Jeepers Creepers," Jimmy Mc

The whole thing flamed at midnight with Irving Berlin leading the tired, happy and almost overwhelmed mob in 'God Bless America'.

The afternoon portion of the show drew 25,000 to Federal Plaza and presented Deems Taylor commenting on the offerings by Charles Wakefield Cadman, William Grant Still, Edwin McArthur, Richard Hageman and Dr. Howard Hansen.

7 Song Renewals Figure In Von Tilzer Vs. Vogel

Harry Von Tilzer was examined before trial yesterday (Tues.), by Jerry Vogel Music Co. Inc., Jimmie Lucas, William Dillon, Jack Mahoney, Jennie A. Brown, Tafari, and the estate of Howard Graham and Jean Havey. Von Tilzer, together with his publishing house, is suing the aforementioned in N. Y. federal court.

It is claimed that the plaintiff acquired some seven songs written between 1899 and 1913, the copyrights to which have all been renewed. It is claimed that Vogel is infringing by publication, and claims to have made a profit from the sale of the songs from the other defendants.

Involved songs are 'Down on the Farm,' 'I Want a Girl, Just Like the Girl Who Married Dear Old Dad,' 'A Alone,' 'Summertime,' 'I'll Lend You Everything I've Got Except My Wife,' 'When the Harvest Days Are Done,' 'Jesus, Dear Jesus, I Love You,' 'I Love My Wife, But Oh You Know I Injun,' an injunction, accounting of profits and damages are sought.

Lanny Ross' Black Label

Lanny Ross cuts four test sides for Victor records' black label platters next week, the first cuttings he has made with a major company. Singer recorded some songs for an independent music and record store several years ago, but none before.

He'll do 'Moonlight and Roses,' his theme, 'Marianna,' 'Annabella,' and an original written by him, and the standard 'Whispering.' Backing will be by a band under pianist Roy Bargy, the outfit that accompanied him on his CBS radio show.

Hollywood, Oct. 1.—Richard J. Powers, Pacific western division supervisor for American Society of Composers, Authors & Publishers, called in managers and field men in the 11 western states for three day meeting, which gets under way tomorrow (Wed.).

Chief topic up for discussion is procedure to follow in the protection of copyrights against infringement should the ASCAP controversy with broadcasters continue beyond first of the year.

Appearance of the Boston Symphony orchestra last week before the American Legion convention in Boston was a headache to Harold Redden, executive chairman of the Legion's committee on arrangements. The Boston symph is noted as the only ranking non-union orchestra in the country. Redden is first vice-president of the Massachusetts Federation of Labor and an official of the AFL.

First Redden heard of the scheduled appearance was when local representatives of the musicians' union came to him with squawks about booking a non-union orchestra for the date. They demanded that the deal be called off. Redden discovered, however, that the contract had already been signed and that the Legion would have to pay, even if the orchestra was not permitted to play. So he refused to intervene and the date went through as scheduled, with local music union officials sizzling.

Syracuse, Oct. 1.

Milt Herth and trio closed a click engagement at the Hotel Syracuse yesterday (Monday) and he left for New York to open at the Roxy Friday (4).

Hearth is credited with converting the hotel's Persian Room into one of the liveliest spots in town and with being one of the few out-of-town units to crack the local news columns.

The U. S. Record Corp. was authorized Thurs. (26) by N. Y. federal judge Alfred C. Cox to borrow \$25,000 toward the purchase of 46,144 records from the Scranton Record Manufacturing Co. Total cost of the records will be \$3,665.

Petition of U. S. Record disclosed that it had made a deal with the Scranton outfit on Sept. 21 to purchase the records by payment of 20% and the balance out of accounts receivable as they came in. Records to be purchased were 27,400 Varisette recordings at \$0.717 per record, 14,690 Montgomery Ward records at \$0.717 at the same price, and 4,150 Montgomery Ward's at 12803, these being 12 in On Sept. 23 the deal was rejected by Scranton, by, informing U. S. Record Corp. that it did not have sufficient capital to make these purchases. The deal was then advanced. In borrowing the \$2,500 down payment, the balance of the records receivable will be pledged.

A hearing will be held before referee Irvin Kurtz on Oct. 7 in the N. Y. federal court, at which time the Scranton outfit must show cause why it should not be restrained from ejecting U. S. Record Corp. from its premises in Scranton, why U. S. Records should not have access to the records or the use of the masters, mothers, and stamper in Scranton's possession. Lastly, why Scranton should not be prevented from interference with the employees of U. S. Record Corp.

U. S. Record Corp. filed a petition for reorganization on Sept. 5. Its two largest assets, pledged against loans of \$20,000 by the Pilgrim Trust Co., included records, mothers, masters and stampers, valued at \$140,000.

These were in the possession of the Scranton Record Manufacturing Co., which had also filed a petition for reorganization on Aug. 31. The latter corp. is attempting to sell these assets free and clear, claiming that U. S. Record Corp. has no right to them.

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. 23-29). 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
There I Go (9)	BMI	38
Practice Makes Perfect (9)	BMI	37
Maybe (9)	Robbins	34
Same Old Story (9)	BMI	29
Looking for Yesterday (4)	Berlin	28
Ferryboat Seneca (4)	Robbins	26
And So Do I (7)	Markis	25
We Three (2)	Mercer	25
Only Forever (5)	Santly	23
Trade Winds (8)	Harms	24
Million Dreams Ago (4)	AB	23
Now Me (8)	Robbins	22
Crosstown (5)	Shapiro	21
Now I Lay Me Down to Dream (3)	Remick	20
I Give You My Word (1)	BMI	20
I Love Affair (3)	Feist	20
I Could Make You Love (2)	Winograd	20
When the Swallows Come Back (14)	Winograd	19
Call of the Canyon (9)	Shapiro	18
Blueberry Hill (12)	Chappell	17
I'm Home Again (4)	Olm-n	17
Bumblebee (5)	Leitch	17
I'm Nobody's Baby (16)	Feist	16
Get the Moon Out of Your Eyes (10)	Paramount	15
I'll Never Smile Again (16)	Sun	15
All This, and Heaven Too (15)	Remick	14
Danny Boy (1)	American	14
Moon Won't Talk (5)	Regent	14
Once in a Lovetime (1)	BVC	14
In a Moonboat (4)	Crawford	12
We Could Make Such Beautiful Music (12)	BMI	12
It's Right O'Clock (1)	Loeb-Lisitz	11
Keep an Eye on Your Heart (1)	BMI	11
One Look at You (7)	A Night at Earl Carroll's	10

Tommy Tucker 'Man Don't Come Anymore,' **'Bartender Folks'** (Okeh 5717)
Tucker's 'original,' **'Man Who Comes Around'** got fairly wide notice.
'Man Don't Come to Our House Anymore' is an able followup. It, as did
the first, has implications in its lyrics, but they're not strong enough to
discolor. Playing has enough of a lift, though the melody isn't quite on
a par with its predecessor. Kerwin Somerville vocals, with a band chorus
helping. Reverse shows Somerville a drunk. It's different, but only
fair in effect.

Will Bradley led J. Do'-Don't Let It Get You' (Columbia 35629).
Pep and push of the rising Bradley band shows strong on the first side, a brisk paced thing that's neatly arranged to show off the ensemble work and takeoff talent of the outfit. Latter includes a good hot trombone, trumpet, sax and a short interlude on drums. Anita Boyer does a nice vocal. Reverse was apparently cut in a large studio, giving it too much space, but the band is still in good form. Record has a foggy quality that robs the band of its usual clarity. Arrangement alternates between bright and average. Miss Boyer again works.

Fausto Curbello "America's" "Suena Grande" (Columbia 35631)
Wherever the recording is made, the first side takes credit for poor job. Balance is topsided in favor of the rhythm almost all through, that the side quickly becomes monotonous. Beef can also extend to the band's arranging and playing of the tune. It has none of the appeal of even the most average Latin tempo piece. Pepito Lopez vocals. Coupling is smoother and a better effort all around. It's a stringed section writing with several piano breaks and a better Lopez vocal.

Ray Kinney 'Song of Old Hawaii'-'South Pago-Pago' (Victor 26737)
Kinney's smooth island combination is comparatively new to the Victor sides. The first tune is easily and effectively handled, with enough Americanisms in the melody to relieve the sameness of the slide Hawaiian style. Electric guitar expectedly breaks it up. Kinney looks and, well, it's backed up by the title song from a Paramount film. Tune itself suffers by comparison to the first side, though it's handled without noticeable flaws. Kinney lyrics again.

Duke Ellington "Shall Be No Night"-5 O'Clock Whistle" (Victor 26748)
Ellington has done much better. Arrangement is particularly colorful, for Ellington's slow and staccato vocal reaction. Muted trumpet and a few strings add to the effect. The vocal is a wailing, "wailing," too, could have been given better treatment though the arrangement does brighten as it rolls on. Starts dully, but fortunately begins to pick up around half way so isn't entirely wasted. Late ensemble and breaks show flashes of solid stuff. Ivie Anderson vocals better than usual.

Suzie Elman 'Deep Nite'-**Bye 'n' Bye** (Bluebird 10855)
This sounds like Elman and the Benny Goodman band, or at least its sax and rhythm sections. Whoever accompanies the trumpeter makes little difference; this is one of his best sides. It packs a wallop all through the first half of the record. The second half is a neat, short, and to the point, some of the takeoffs brilliant. Trumpet work, mellow and strong. The sax section stand out sharply. Coupling, at about the same speed, but with the hop minimized, is also likable. Reed team and a particularly good piano. The second half come with room to spare. Long sax and trumpet strengthen near the finish.

Vaughn Monroe 'Donkey Serenade'-'Salud, Dinero y Amor' (Blue'd 10868)
Monroe's band and vocal is strong on the 'Donkey' side. Arrangement and playing is clean and attractive. Singer's clear baritone does a lifting job on the vocal. Reverse is fast, well played, but the melody and arrangement don't have the appeal of the first side. Leader handles the vocal again. Band is being brought along slowly, aimed at the big time. It's hibernating in Massachusetts for the time being.

First side should be labelled Hawkins and his takeoff notes, and an orchestra. It's composed of a series of breaks by Hawkins, tenor, a riding trumpet, trombone, and alto all backed by rhythm. Good, but not for average pop consumption. Reverse is the leader's tenor alone, a sock solo of the standard accompanied by piano only. It's strong, but a full side of it would be a waste to take at one sitting. It, however, probably isn't intended for mass appeal. The session was stacked up after hours Harlem jam sessions on wax. As such they click.

Jimmy Wakeley, Johnny Bond and Dick Reinhardt, comprising the Rough Riders trio, signed to cut platters for Decca.

RADIO MAESTROS ON SPOT

Weiss, McGregor and Laskey Answer ASCAP; Tell Admen Music's a Cinch

San Francisco, Oct. 1. With 255,000 copyrights and 9,000 transcriptions already available, radio can ignore ASCAP in '41 if it so desires, Frisco broadcasters and agency reps were informed in BMI's answer (26) to Gene Buck's ASCAP blitz staged here (24). Lewis Allen Weiss, head of the Don Lee web, planned in from a New York jaunt to address group, supplemented by C. P. MacGregor, transcription exec from Hollywood, Phil Laskey of KROW, Oakland, and Ralph Brunton, KJBS-KQW.

'I've just come from the BMI plant in New York,' Weiss told the boys, 'and there are more arrangers and music copyists working there than all other music plants on the North American continent combined. If ASCAP withdraws from radio in '41, the public is never going to know that anything has happened.'

'ASCAP had us fooled about what we thought was the tremendously important pool of copyrights they controlled. We were too busy with the growing business of broadcasting to dig into the matter. But now that we have we've learned a lot of the tricks of the trade. We have no quarrel with ASCAP as such, nor with anyone who has a commodity to sell. ASCAP can charge \$10 a number if it wishes. What we reserve is the American right to decide whether or not we want to buy that commodity. The entire issue is our right to say whether or not we want to buy the damn stuff. We definitely are not going to pay for music we do not use.'

MacGregor outlined how the six main transcription companies of the nation got together to study the situation and reached a decision to record all possible non-ASCAP music.

Says MacGregor
'It's purely a business proposition with us. If the ASCAP ban goes through, there will be a tremendous demand for non-ASCAP music,' MacGregor pointed out, 'and we wanted to have it available. To do (Continued on page 50)

British Best Sellers

(Week Ending Sept. 7)

Can't Love You.....	Day
Beguine.....	Chappell
Nightingale.....	Maurice
Singing Hills.....	Connelly
Arm in Arm.....	Wood
Fools Rush In.....	Cavendish
Figgerty Boogie.....	Maurice
Fall in Love Again.....	Maurice
Love Is All.....	Sun
Woodpecker Song.....	Sun

Revel Brothers Get An Extension to Settle Immigration Jam Fines

Songwriter Harry Revel and brother Billy, a dancer, were granted a 90-day extension to pay fines of \$500 each for passport fraud levied by a lenient federal judge last Thursday (26). N. Y. Federal Court when it was pointed out by defense counsel that they were unable to raise the money immediately. Pair withdrew earlier pleas of not guilty and pleaded guilty to the indictment.

Temporarily sitting in the local federal court, Judge James P. Leamy of Vermont paid no heed to exhortations of an assistant attorney general to impose a stiff sentence. Representing the defendants, Brian McMahon, former Assistant United States Attorney General, sought the mercy of the court declaring the Revels were victimized five years ago by two men whom they had paid \$8,500 to forge their birth records.

Case was in sharp contrast to the earlier trial of Communist presidential candidate, Earl Browder, who was sentenced to a four year term in the federal pen and fined \$2,000 on the same charge. He is now free on bail pending an appeal to the United States Supreme Court.

Harry Revel, 37, is a native Englishman who came to the United States in 1928. He became a professional pianist at the age of 15. As a songwriter he collaborated with Mack Gordon on the scores of such films as 'We're Not Dressing,' 'Love in Bloom,' 'Wake Up and Live' and 'She Loves Me Not.' Perhaps his best known tune is 'Did You Ever See a Dream Walking.'

Billy Revel, born in Russia, long teamed with Jane Moore in a dance team known as Moore and Revel. The brothers' family name is Glaser.

MUSIC FIRMS AMENABLE TO CAL. LAWS, RULING

Los Angeles, Oct. 1. Appellate Court confirmed its recent ruling that music publishing companies maintaining branches in California come under the jurisdiction of California laws. Court's ruling was made in the suit brought by Lois Gilbert and Selma Shelly against Mills Music Co., over the song, 'Blame It On My Last Affair.' Case was sent back for a rehearing in Superior Court.

Publishers had alleged that Bernard Pollack, in charge of their California office, was merely a contact and that the selling was handled in New York.

Billy Burton Must Rest

Billy Burton, manager of the Jimmy Dorsey orchestra, left New York Friday (27) for a six week forced rest in New Orleans, his home. He's taking the layoff under doctor's orders after going through a fourth heart attack brought about by contracting action of blood vessels around his heart. Dorsey is currently at the Windsor theatre, Bronx, N. Y.

APPEAL TO AFM IN MUSIC 'WAR'

Orchestra Leaders With Substantial and Personal Investments in Music Libraries Face Period of Confusion—Victims of Cross-fire Between ASCAP and Broadcasters

N. Y. POWWOWS

By ABEL GREEN

Both the broadcasters, and the American Society of Composers, Authors and Publishers may have built themselves a troublesome side-issue in the collective guise of the broadcasters' own the air and if and how much 'the public interest' is involved and what the name maestros will do, if anything, about it all.

This crucial showdown today culminates two previous luncheon powwows called by bandleader Russ Morgan, in the name of his contemporaries. Last Thursday (26) Monday (30), Broadcast Music, Inc., adjunct of the radio industry, footed the bills. Today's (Wed.) sess will be dutch at the Hotel Astor, N. Y. Wires have gone out to some 60 bandleaders in the east to attend.

Caught in the middle of the radio vs. ASCAP squabble, the leaders want to know what the new broadcasting rules about 'three non-ASCAP tunes per program' really mean. Sidney M. Kaye, attorney and v. p. of BMI, disclaims that 'three non-ASCAP tunes' mean three BMI songs. He emphasized that could mean three public domain tunes. Heretofore it was one 'non-ASCAP tune per show'; as of yesterday (Oct. 1) the rule is three per program.

The maestros see themselves as the patsy of this situation, and Kaye's reassurance that the broadcasters' interests and that of the interpretative artists are one and the same.

Eddy Duchin at Monday's powwow (in a Waldorf-Astoria suite) asked if anybody 'could persuade ASCAP to come knocking on the broadcasters' door... would radio listen?'—all this in the hope of bringing both parties together.

'Door Always Open'

As John G. Paine, g.m. of ASCAP at last week's session stated, and as Kaye and M. E. Tompkins, BMI v. p. reiterated, 'the door is always open.' The phrase got quite a kicking around Monday (30) since both sides aver a mood toicker, yet nothing concrete has ever been done to get both factions together.

Here is where the musicians feel they can influence both sides, especially the broadcasters' perhaps even force the National Labor Relations Board in Washington to step in and mediate.

Rosenberg, 802 prez. head of the largest local of the AFM, assures the leaders that the union will back them up. If, of course, the union rules, 'Boys, this is none of your business; radio pays you off and you must play the tunes they dictate,' else again, 'That means, as one said, I'll just have to stock up my books with BMI and p.d. tunes, but first I wanna make sure that I don't do it foolishly and then around Dec. 1 both parties get together and it's cost me too much dough.'

Leo Reisman Says—

There's little question that the leaders are inclined to be pro-ASCAP in their general attitude, although they reiterate under direct (Continued on page 48).

Higher Non-ASCAP % Expected From Webs; Meantime Leaders Use Unpublished Stuff of Own, Not BMI

Those Riccardis

Philadelphia, Oct. 1. Stranger-than-fiction department:

Once upon a time there were six brothers—South Philly: Tony, Pat, Rex, Phil, Joe and Sam Riccardi.

Tony, Pat, Phil, Joe and Rex grew up to be bass players. Sam became head of the homicide squad.

(P. S. Rex is current secretary of the Philly AFM local).

American Record's 40G Settlement of Pre-1938 Short Royalty Claims

American Record C has settled the litigation brought against it by a flock of publishers over alleged faulty royalty counts. The settlement deals closed last week involve a cash payment of around \$40,000. The period of underpayments named in the suits was two and three-fourth years preceding Dec. 31, 1938, or when CBS took over the phonograph company. In return for calling off the litigation the publishers will receive an additional 10% over what they had actually collected from the old ARC setup during this period. Also defendants in the suits were Brunswick Record Co. and the Columbia Phonograph Co.

The actions charging fraud and issuance of false royalty statements were filed with the N. Y. supreme court in the summer of 1939 after the publishers had instituted an audit of the three companies' books and records. The suits were in behalf of some 20 publishing firms as represented by Harry Fox, agent and trustee. Later other publishing concerns as included in the Metro-Robbins, Warner Bros. and Mills Music, Inc., groups made their own claims with American Record. The bulk of the settlement was handled by Fox.

Settlement discussions started several months ago with the law firm of Proskauer, Rose & Paskus representing Herbert J. Yates, former owner of the American Record group, and Sidney William Wattenberg, the pubs in Fox's list. Latter two and Walter Douglas, chairman of the Music Publishers Protective Association, declined Monday (30) to comment on the settlement.

SCHIRMER OF BOSTON SIGNS UP WITH BMI

Broadcast Music, Inc., last week tied up the performing rights of another catalog in the standard field. It's the E. T. Schirmer Co., of Boston. Latter firm specializes in glee club, choir and religious music.

In the announcement sent out by BMI it was stated that among the best known songs turned out by this firm are 'Old Lang Syne,' 'Home Sweet Home,' 'Believe Me If All These Endearing Young Charms,' 'Flow Gently Sweet Afton,' 'How Lovely Is the Evening' and 'Three Blind Mice.' They're all in the public domain.

Joe Weber In New York

Joseph N. Weber, former prez of the American Federation of Musicians, came east last week to attend the meeting of the international's executive board. Weber has been living in California since his retirement from the presidency this summer.

His health considerably improved.

Many band leaders are interpreting literally the networks' rule about using three non-ASCAP numbers on their remote sustaining broadcasts with the result that numbers written by themselves or by men in their organizations but never assigned to a publisher are getting heavy play on their programs. In most band units there are two or three members who have at some time or another written a song or instrumental number.

Those within the broadcasting industry who have been masterminding the fight against ASCAP have in answer to leader queries given assurances that there is no intention of compelling bands to play tunes published by Broadcast Music, Inc. The leaders figure that since they must obey the networks' restrictions, if they are to stay on the air, the smart thing to do would be to popularize their own compositions and then when a settlement is reached between radio and ASCAP turn them over to a publisher for further exploitation.

The rule on three non-ASCAP numbers went into effect yesterday (Tuesday) and the immediate result was to make it tougher than ever for many a contactman working for an ASCAP publisher to get a plug. If a leader uses three BMI or public domain numbers, he can use but two more ballads on his program and this duo must be divided among the entire publishing industry, or anyway that portion affiliated with ASCAP.

Some leaders have already been tipped off by NBC that the quota of non-ASCAP numbers will, in another week or two, be pushed up to four and that by Dec. 1 their broadcast programs will be expected to consist entirely of non-ASCAP numbers.

BARNET MUST BOOK HIMSELF

Charlie Barnet's suit against Consolidated Radio Artists to break the contract between the two puts Barnet's band in a spot that will demand hustling to keep it alive. Leader will not accept engagements booked for him by CRA, and until his suit against the agency is settled he can't be booked by any other office. It puts the leader and Charlie Weintraub, his manager, in the position of securing bookings on their own, or giving up everything. Barnet has avowed that's what he'll do if his attempt to get out of his agreement with CRA is derailed.

All three of the bigger agencies would like to book Barnet, but all are wary of risking a suit against themselves. Charles Green, CRA head, warned other bookers at the beginning of the battle that the Barnet band was still under his wing and any try at swiping it would meet with legal reprisals. So far Barnet's independent booking tries have been successful. He set the date at the Fiesta Danceteria, N. Y., alone and followed it up with stretch at the Dancing Campus, World's Fair, New York, opening tomorrow night (Thursday). After that he has a couple of theatres. But court fights can be long drawn out affairs.

MILLER CUTS THEMER

Glenn Miller's band and the Modernaires, vocal quartet, will cut for Bluebird the new tune Martin Block will use as a theme-song for his recorded program on WNEW, N. Y., after Jan. 1. He called it 'It's Make-Believe Ballroom Time.'

GALA DETROIT SYMPH SEASON

Detroit, Oct. 1. A heavy schedule has been lined up by the Detroit Symphony orchestra with 49 performances listed for the 1940-41 season in the Masonic auditorium. In addition to presenting many soloists, the organization will operate this season under the guest conductor plan. Franco Ghione, last season's conductor, was let out during the summer because of the fear of boxoffice prejudice against an Italian conductor.

The season opens Oct. 17 with Jose Iturbi as soloist, and Victor Kolar conducting. Five independent courses of concerts will be offered: 14 Thursday afternoon repeat concerts of Ballet Russe de Monte Carlo; six Friday afternoon repeat concerts of preceding Thursdays; 10 Saturday night 'pop' concerts; six Saturday morning young people's programs, and six school children's free concerts.

Soloists and conductors thus far lined up are Dorothy Maynor, Jascha Heifetz, Gregor Piatigorsky, Richard Crooks, Vladimir Horowitz, Bruno Walter, Tino Hannikainen, Georges Enesco, Zino Francescatti, Georges Mampela, Alee Templeton, Mischa Kotelar, Percy Grainger, Samuel Searles, Sigvard Rascher, Fisk Jubilee Singers, Yvonne Normal Choir, and Frederick Alexander.

Harl Smith into El Dorado Room of the Commodore Perry hotel, Toledo, succeeding Tim Murphy's band, which moved to the St. Paul hotel, St. Paul, Minn. Perry also inaugurating a floor show.

Continued from page 47

Kaye Agrees

Radio's Three Courses

'But now we have three courses,' he said. 'Either we play ASCAP music, don't pay and play ASCAP music and suffer heavy fines and possibly jail, which makes it illegal, or, thirdly, don't use their music altogether. We've chosen the latter.' Hence, in order to cushion the blow, Decca, in Dec. 1, 1940, comes around, and our licenses lapse. We've started building up the BMI catalog. Maybe if we had another year until 1942, it wouldn't be so harsh on you fellows, but we feel that with the 130 tunes we've gotten out this month, next month, and the 200 originals and 100 p.d.s. and the 200 we'll publish next month, etc., plus the Sesac, Ricordi, Southern Music

HOAGY CARMICHAEL'S Latest

SANTLY-JOY-SELECT
1619 Broadway New York

Owe All to Radio?

Duchin brought up that Paine had said that the new ASCAP contract demands meant only \$1,000,000 increase; Kaye was saying it ran into \$4,000,000 or \$5,000,000 more. (Latter amplified it meant 500-600% increase for the networks.) Not individual stations.

O'Connor wanted to know why ASCAP and/or the broadcasters threw proffered contracts on the floor; that if his sponsor, for example, were to mail him back a contract at a 50% cut he'd not throw it away in disgust—he'd take it over to the agency and tell them how he knew.

O'Connor cited that NBC in the same building (RCA) with ASCAP, but it is impossible to get together. Duchin here interposed that possibly he or the union could effect a contact, but the sum and substance was the leaders didn't care about ASCAP. He said they were worried about themselves, and where they stand in this turn of

This came to dictation of the air traffic and special resentment now that at least two BMI tunes must be played every in the first 15 minutes of each 30-minute broadcast. WOR was cited as having inducted this supplementary specification. Kaye was surprised. "Dude, I've worked in radio for 20 years. I know what a 'Practice Makes Perfect' isn't heard at 11:27 p.m., and then the next band doesn't repeat it at 11:34, for example, hence this spotting insures at least a 15-minute delay between plugs for BMI's 'Practice Makes Perfect' or 'There's a Good Reason Why the Surge Plug Shows Up [Incidentally, the 'surge plug' specification] are No. 1-2 on the 'most played' list this week."

Won't Pay More

Kaye also answered a direct question that the ASCAP issue wasn't one of paying less for a renewal but refusal to pay more, citing what 71½% of the commercials (whether

The ASCAP Luncheon

Today's (Wednesday) get-together, with Local 802 prez Jack Rosenberg in the chair, will see a course of action planned, which, many believe, will project AFM president James C. Petrillo into the picture as mediator or, at least, as an ultimatum-giver.

Fact remains that the majority of maestros have two major stakes in the situation. Most importantly is the fact that the larger number of leaders are un-sponsored, and it's their sustaining buildup and performance that determines their likelihood for a possible commercial

Sig Turnout
Expected up about 50 some 100
leaders showed up for the SCALC
luncheon. Benny Goodman's attitud-
tude seemed to create a tender spot
right along to the degree that, after
the luncheon confab proper broke
up at 3:30, many of the boys—
about half the p.m. conclave was "his"
middle-aged crowd anyway—de-
cided to air their views—and
Toots Shor bar downstairs Man-
didn't click with Goodman's attitude
that that scrap was none of their
concern, and because tomorrow
(Thurs.) is the regular board meet-
ing of local 802, it was decided to
hold a meeting today
(Wed.).

Representing Schwartz & Frohlich, ASCAP's attorneys, was Herman Finkelstein who was vague in answer to a direct query whether radio had the right to dictate what tunes were to be played, and to ban bands off the air if they didn't fall in-line. Ted Fio-Rito said this was so important to him he's flying in from his engagement in Chicago to attend today's session since, actually, only the leaders in the east (around New York, New Jersey and Connecticut) were expected to attend.

(Week ending Sept. 28, 1940)

God Bless America	Berlin
Blueberry Hill	Chappell
I'll Never Smile Again	Sunn
When the Swallows Come Back	Witmark
Maybe	Robbins
Trade Winds	Hairns
Shout, I Am an American	Mercer
Sierra Sue	Shapiro
*Only Forever (Rhythm on the River)	Santly
*Tim Nobody's Baby (Andy Hardy Meets Deb)	Feist
*The Girl of the Year	Shapiro
Practice Makes Perfect	BMI
Ferryboat Serenade	Robbins
Crosstown	Shapiro
*All This, and Heaven Too (A'TH'T)	Remick

San Francisco, Oct. 1.

Whole affair was cut with portable recording outfit, quarter-hour of same being released over KPO at 9 that same evening (25).

Woody Herman band is currently completing details of resigning to go back into the New Yorker hotel, N. Y., for a 13-week stretch beginning around the first of the year. Outfit has been there since Aug. 8 and withdraws Oct. 9 to pick up theatre and one-night dates. It opens the Strand theatre, N. Y., for three weeks Oct. 18, coupled to the film "Knute Rockne, All American."

Reason for the quick return date on Herman is that the combination of the band and ice show now at the hotel's Terrace Room has averaged consistently better business than the spot has pulled in at least three years. It is reported more than 25% better than the same period last year.

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RETURN ENGAGEMENT
OPENING OCT. 4
FIESTA DANCETERIA
NEW YORK

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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 Past Week	Total Covers On Date
Eddy Duchin	Waldorf (500; \$1-\$1.50)	3	1,225	4,300
Ray Heatherton	Biltmore (300; \$1-\$1.50)	1	300	500
Woody Herman	New Yorker (400; 75c-\$1.00)	7	2,175	14,100
Ray Kinney	Lexington (300; 75c-\$1.50)	20	1,475	25,350
Russ Morgan	Pennsylvania (500; 75c-\$1.50)	7	850	8,495
Tony Pastor	Lincoln (225; 75c-\$1.50)	0	400	1400

*Asterisks indicate a supporting floor show, although the band is the major draw. 13 days.

Gives Collegians Free Sample Of His Dance Music

Birmingham, Oct. 1. A new advertising gag was sprung by Milton Christian and his 12-piece orchestra here Saturday night (21). Christian rented the National Guard armory, capacity 4,000, and invited all fraternities and sororities at the two local colleges to enjoy a dance at his expense. The turnout overflowed the armory, brought pleased response from the collegians and probably paved the way for future engagements. Both college newspapers gave Christian plenty of space, hailing the stunt with praise.

ROCHESTER BOOKINGS CAUSE SOME WONDER

Rochester, N. Y., Oct. 1. Too many bookers of name bands threaten to oversupply local market, never regarded as too favorable. For years the musicians passed up Rochester for cities like Batavia, where they did all right, and it took a fireman's or policeman's ball to bring a toptotch outfit here. Now three groups are booking in bands. Group headed by George Lloyd has Harry James outfit set for Oct. 16 and Abe Hama, who recently brought Cab Calloway, had booked another band for Oct. 12, but now may change the date. Meanwhile, the Big Ten Club, which has done well with previous attempts is reported negotiating with three in series, Count Basie, Duke Ellington and Jimmie Lunceford.

BING CROSBY'S
Billed Hit from Paramount's
"Rhythm On the River"

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Hit Picture! — Down Argentina Way
Hit Writers! — Mack Gordon and Harry Warren
Hit Songs! —

**TWO DREAMS MET
DOWN ARGENTINA WAY**

MILLER MUSIC, Inc. • 1629 Broadway, New York
BEN GILBERT, Gen. Mgr. HERB REIS, Prof. Mgr.

Band Bookings

Count Basie, Oct. 10, Arena, Bluefield, W. Va.; Arena, Beckley, W. Va.; 12, Armory, Charleston, W. Va.; 18, Apollo theatre, New York.
Jan Savitt, Nov. 1, Massachusetts Institute Technology, Boston.
Russ Morgan, Oct. 8, Arcadia B. New York; 9, Coliseum, Allentown, Pa.; 10, Mecca Theatre, Scranton, Pa.; 11, Armory, Kingston, N. Y.; 12, Ledger B., York, Pa.; 13, Raritan B., Perth Amboy, N. J.
Bernie Shand, Oct. 4, Tobacco Festival, Greenville, S. C.
Biltmore Boys, Oct. 8, five weeks, Park Plaza hotel, St. Louis.
Will Bradley, Oct. 16, Empire Aud., Allentown, Pa.; 21, Olympia theatre, Altoona, Pa.; 22, State theatre, Connelville, Pa.; 23, Penn theatre, Butler, Pa.
Ben Cutler, Oct. 17, one-night, Edison hotel, New York.
Al Donahue, Oct. 25-26, Astor theatre, Reading, Pa.
Duke Ellington, Oct. 26, Miramar B., Gary, Ind.

Noisy Jitterbugs Enter Realm Of Local Politics

St. Louis, Oct. 1. A juke box that furnished music for alfresco dancing for East St. Louis jitterbugs at a combo filling station and hot dog stand has been silenced by Hizzoner John T. Connors and the young 'uns are up in arms against the mayorality edict. Complaints of residents near the Park-ette on State street against the nightly rumble causing loss of sleep brought about action. Prior to last week the proprietor of the combo joint was cashing in as tapers did their stuff on the concrete apron. The hot music attracted such large crowds that the spectators were separated from the dancers by rope barricades. When the stop order became effective the neighbors sighed with relief. The same night the jitterbugs, denied their favorite recreation by a bunch of burly cops, arose en masse, organized a mob of approximately 100 and trekked a mile to Connors' home to lodge a vocal protest. The Mayor was out of town so the jitterbugs disturbed his neighbors with a demonstration that lasted most of the night. When hizzoner returned home it took him two days to square himself with his neighbors.

ART ST. JOHN WILL TRAIN PILOTS FOR U.S.

Art St. John, sax player with the Jack Teagarden band, bows out of that crew this week to go into the Government's air service program. He has a Lieutenant's commission and will become a trainer of pilots. An experienced air jockey, St. John and Teagarden often flew their own planes from place to place while out one-night towns. He's been with Teagarden the latter formed his first band after leaving Paul Whiteman. St. John will be replaced by Butch Stone, sax-vocalist and comedian, who has been with Van Alexander's outfit. Alexander has been doing only one or two single night dates a week lately, mostly on weekends, while basking in a band on WOR Mutual's "Laff 'n' Swing Club" program. Stone replaces St. John after Teagarden's current date at the Adams theatre, Newark.

BASIE DRAWS 3,700

Near-Record for Negro Event in Birmingham Aud.
Birmingham, Oct. 1. Despite heavy rain and high wind, Count Basie orchestra packed the municipal auditorium here Wednesday (25) with 3,700 all-Negro customers. It came near the all-time high draw (4,101) set last year by Jimmie Lunceford. Martel Brett, promoter, reported a gross of \$3,053.

Five Year Probation for Leaders Of Bootleg Songsheet Racket

Shaw, Bernie Coast Dates

Los Angeles, Oct. 1. Artie Shaw opens at the Victor Hugo in Beverly Hills Oct. 25 and may stay on until Ben Bernie comes in Christmas Day.
Matty Malneck, current at the spot, is considering a Chicago nitery offer.

Milwaukee Local Enforces More Home Town Breaks From Hotel, University

Milwaukee, Oct. 1. Milwaukee Musicians' association, Local No. 8 (A.F.M.) has new deals with the Hotel Schroeder and Marquette University, assuring a number of choice jobs for some weeks to come.
Empire Room of the Hotel Schroeder lately has been using only imported orchestras, to the exclusion of members of the local union. Volmer Dahlstrand, president of the organized musicians, went into a huddle with the management over the situation, with the result that a couple of name bands were cancelled out and replaced with two local outfits that are favorites with the dancers, but have difficulty getting the breaks—Billy Baer's swingsters, who will go to the Empire Room for two weeks starting Oct. 9, and Stephen Swedish's orchestra, starting Nov. 18. Hotel management also agreed to give the local boys better breaks in the future.
Marquette University argument arose when the students engaged a non-union band for their annual football hop on Friday night (27), the first varsity dance of the season. Dahlstrand at once served notice that if the non-union musicians played the date, there would be no union orchestra available for any university function for the entire season—proms, mids, hops, commencement festivities, etc., and this would apply to all fraternity and sorority parties as well as to larger affairs. This would bar such name bands as have played for these major events in the past—Kay Kyser, Horace Heidt, Jan Garber, Ted Fiorito, Ace Briggs, etc. and the student body was up in arms at this prospect.
Result: Dahlstrand huddled with Charles Coben, manager of student affairs. It was agreed to let the non-union band play for the football hop, as contracted, but only union bands will play for any other event; in fact, contracts were signed on the spot for Stephen Swedish's orchestra to play five varsity social events during the season and Billy Baer's band to play two more.

Newark, Oct. 1. Fines and probation periods were meted out to four persons who pleaded guilty last week before Federal Judge R. C. Wycke of distributing bootleg songsheets. John Santangelo, of Derby, Conn., and Dominick Mancini, of Bronx, N. Y., described by government agents as being among the biggest wholesalers of such sheets in the east, were each fined \$100 and put on probation for five years. The judge warned this twosome that if they were again arrested they would be fined \$1,000 and sentenced to prison for two years.
Dominick Costello, of Yonkers, N. Y., and John Inanni, Derby, were each fined \$50 and put on three years' probation. Santangelo was convicted of a similar offense in Connecticut and is out on bail pending an appeal from a prison sentence.

RHUMBA FLAVOR FOR STATLER BIZ HYPO

Cleveland, Sept. 24. Statler's Terrace Room is breaking out with rumba trash Oct. 1, acquiring Jose Morand's Cuban orchestra and several conga dance teams for its winter preem.
Jack Hennessy, entertainment head of the Statler wheel, is here shaking up the entire room to get rid of the frigid ultra-conservative atmosphere which placed it on the wrong side of ledger last year. Decorations as well as costumes of some of the bells are going Latin-American in atmosphere, patterned after New York's LaConga Club where Morand played last season.
Originally Hennessy had hoped to get Xavier Cugat for opener, but negotiations blew up when Cugat discovered hotel appearance would jeopardize a vaude date at RKO Palace here. Ramon Armentzon, minor labeled "Mexico's Bink Crosby," coming from Fefe's Monte Carlo in New York to join Morand's Latin as vocalist. Besides Lola and Andre with their LaConga troupe in its floor revues, the Terrace Room is adding three Arthur Murray rumba teams from Sam Costello's studio to shag up dance contests with a new guesing-prize angle.
Although late in reaching Cleveland, the rumba-conga fever is nipping the town badly. Launched by Manuel Contreras gourd-rattlers, Tony Ellis' new LaConga Club on the outskirts has hit a bonanza stride and another joint in Cuban decor is slated for the main drag next month. Impresarios of this venture are Sanford (Sweeney) Mann and Gene Warner, who took over the Gay Barea, buying out Hazel Crowe.

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(FOR ORCHESTRA)

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10 or 12 Songs Each Medley, Flange Specially for Modern Orchestra
Each Arrangement Complete for Modern Orchestra

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CONTENTS INCLUDE
NO. 1 (Eastern): Roar, Lion, Roar, As the Backs Go Teasing By, Harvardiana, Fight Cheer for Old Amherst, Colgate Victors, Princeton Tiger Grid March, Fight Away, The Violet, etc.
NO. 2 (Western): On Wisconsin, Michigan Victors, Minnesota Rouser, Indiana Fight, Hail to the Orange, For the Honor of Old Purdue, Knute Rockne of Notre Dame, March of the Maroons, Hail to California, Ohio State March, etc.
NO. 3 (Southern): Washington and Lee Swing, Aggie War Hymn, Eyes of Texas, Rumbling Wreck from Georgia Tech, Fight, Vols, Fight, Cheer for the S. U. U. Roll on Tulane, Hail S. M. U. Auburn Victory March, Horned Frogs, etc.
NO. 4 (East-South): Fight for the Glory of Carnegie, Blue and White (Duke), V. M. I. Spirit, O. Davidson, Orange and Blue (Florida), On Lafayette, Victory (Penn. State), Vanderbilt Forever, Fight You Tigers, Rearing, Teasing, etc.
NO. 5 (West-Far West): Hail to Pitt, Okee-Wow-Wow, Carmen Ohio, Indiana Victory, Stand Up for Blue and Gold, Wash. State Fight Song, Sons of the Stanford Red, Fight On for Old St. Mary's (Cal.), Let's Go Trojan, etc.

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Band Reviews

ARTIE SHAW ORCHESTRA (22) Rose Room, Palace Hotel, S.F.

Something new on a hotel-platform. Artie Shaw and his orchestra, a "perennial" aggregation. Boys can still get so hot that the dancers just stop stepping and watch, but thanks to a new nine-piece string unit, the band can also craft out melody of equal sweetness.

That string section—six violins, two violas and a cello—represents the first step toward achievement of Shaw's great ambition to build a genuinely American "concert" orchestra, and is the nucleus for what he hopes will become a 45-piece unit. Balance of the band comprises three trumpets, two trombones, four reeds and four rhythm. Another novelty is the addition of a harpsichord, doubled by pianist Johnny Guarnieri.

With Lennie Hayton handling the arrangements, Shaw is weaving his pet strings in and out so that they add lustre and never show up where they don't belong. When the band is showing tonight, the orchestra is caught here, a gentler rhythm runs through Shaw's programs, interspersed with sizzling livers for which Shaw plays solo, and then swinging the other way to give the strings a chance. Shaw is breaking these strings to "em gently and is staying off the air until the band is more seasoned, but the overall effect is good. From a dancing standpoint, varying the pace spreads the appeal over a wider range in this particular spot.

As for that concert idea, which Shaw insists will break this fall or never, he contends the reason there aren't more Gershwin on tap isn't because they don't exist but because there is no one to play them. Points out he himself has looked over countless scores around the country from which some real gems could be mined, except for fact there isn't a band in existence set up to handle them. He's dead serious about it and is backing the theory with cash and no idea of immediate profit. If it clicks, he got a career carved out for himself.

The present band also has provision for a hot six-man intermission unit comprising drums, bass violin, electric guitar, harpsichord, trumpet and clarinet.

Personnel of the Shaw troupe, which includes five former Benny Goodman toots, is: Lennie Hayton, field; Jack Cathcart, George Wendt, trumpets; Vernon Brown, Jack Jenney, trombones; Johnny Guarnieri, piano; Judd DeNaut, string bass; Jimmy Henderson, guitar; Nick Fatool, drums; Les Robinson, Jerry Jerome, Clarence Bassey, Neely Plumb, saxophones; Ted Klages, trumpet; Bill Brown, Bill Brower, Bob Morrow, Al Beller, piano; Gene Lomas, vibraphone; Allan Harshaw, Keith Collins, vibraphone; Fred Goerner, cello, plus Anita Boyer, vocalist.

TONY PASTOR ORCHESTRA (17) With Kay Little, Dorothy Anderson, Jack Carlton, Johnny Farrow Hotel Lincoln, N. Y.

Tony Pastor, who started saxing it for Vallee when he was 16 and last was with Artie Shaw, has a live combo that can sweat, when it pays attention. It should pay attention especially for the dinner sessions and in the room set up at the Hotel Lincoln's Blue Room. Trouble is that under that bandstand the boys don't know when they've lost control and nobody, seemingly, cues them.

Comprising a brass section of seven; five reeds including the maestro-saxophonist; three rhythm and a snappy six-piece quartet known as 3 Cats and a Kitten (cyclop Jack Little, Dorsey Anderson, Jack Carlton and Johnny Farrow), it's a man's size band all right. It gives out sweet-swinging, expertly arranged by Al Avola, a holdover from Shaw, and Dick Rose. Pianist Les Burness and sax Hank Freeman, incidentally, are also Shaw.

Pastor has been around for some time since the Shaw days and has evolved a smooth albeit slightly killer-diller combo which, however, has the saving grace of most of the when and if they remember not to let off to much steam. Otherwise, plenty okay for the hoof but, seemingly with an eye on stage dates, also generously including vocals by the quartet, duels by boy-girl combo, and in general ensemble. Abel.

TEDDY POWELL ORCHESTRA (13) With Ruth Gaylord, Jimmy Blair Famous Door, N. Y.

Teddy Powell has been his last band when this spot shuttered early last summer. Of that group he has retained only one man, trumpeter Jerry Neary, for the new outfit the songwriter-university set up last week. Door's reopening was backed by Powell.

Though in rehearsal for weeks before becoming public property, the band is still a pretty good one. However, it's a satisfying crew and a better one than the previous. It's only weakness is in the trumpet trio, which is set up with a Savat, a good walk or fox-trot, which is

prove a neat base for the outfit's quieter arrangements. Latter is a piano player for the jive Door and their effect is plain. Though the spot's dance floor is pocket size, it's never empty during the slower numbers. But Gaylord and Jimmy Blair are also holdovers from Powell's first band. Neither are used in the floor show, but the one or two changes they got in during this reviewing stretch seemed to prove both capable balladeers. Wood.

SKETER PALMER'S ORCH (11) With Gloria Hart Turnpike Casino, Lincoln, Neb.

Since 13 years of age, Sketer Palmer has been conducting a musical pitch, somewhere or other. He started with an octet on the Keith time singing "Moonlight and Roses," was in the original Casa Loma band, has had a piano solo for several years. He believes in a smooth variety of music, almost quiet, and he has a swell collection of arrangements which run the gamut, with the exception of the swing extreme. He offers rumbas, tangos, fox-trots, and even dainty waltzes, all as run of mill, and without necessity for a quartet. Besides being easy to dance to, he's also lulling in comparison to the usual ballroom jinglers with drums and brass clamoring to be heard. He is typically class hotel stuff, he did manage an expert getaway here, where the trade was weekend, and predominantly college. Even though small in stature, he is quite confident, the music carried well, and was easily heard throughout the big hall.

Palmer's piano work is outstanding and he's aided by Bill Schaefer, guitar, and the rest of the men—the saxes, Bob Romeo, Leo Zorn and Johnny Leske; brasses, Jimmy McKay and Bob Hill; Harry Carro, trumpet; and a few more. And Jules DeSalva, piano—are all well-knit in the organization.

Palmer is the male singer, easy voice to listen to, surrendering often. Otherwise he's not in front of the band, and there's seldom a baton makes its appearance.

Gloria Hart, a young old brunet, is the rostrum pretty, and that goes for personal attractiveness, as well as able singing. Singing about three years, the girl has a warm vocal quality, and for such a small girl, she has power.

HUGHIE BARRETT ORCH (5) Merry-Go-Round Grille, Ritz-Carlton, Atlantic City

Pleasantly smooth and rhythmic, Hughie Barrett's orch is an efficient, small in size, but a fine one. The conductor himself, each man, two instruments and plays them well.

Barrett came to the Merry-Go-Round Grille here recently from the Ten Eyck Roof Garden in Albany. Boys play tenor sax, clarinet, accordion, two string basses, violin, drums, piano and vibraphone. Barrett plays the piano, melody and gives plenty of both. He supplies what he thinks his assorted audience wants, from soft, sweet slow ballads, to hot, conga, swing and jive. The latter is not much in demand at this spot, since prices are much too steep for the rug-cutter trade.

The deep tones of Barrett's vibraphone and string basses give Viennese waltzes a satisfying flavor and have made them surprisingly popular here. Barrett's Merry-Go-Round clientele especially later at night. At this catching there were two requests for Strauss waltzes—"Vienna Woods" and "Blue Danube." Barrett plays the piano in a jaunty, likeable manner. He also doubles on the vibraphone, handles the vocals, and swings the maracas for rumbas and conga features. His vocals include a few gag numbers, put over in good style.

Members of the orch include Hughie Barrett, piano and vibraphone; John Skates, tenor sax and clarinet; John Skates, accordion and string bass; John Lo Verde, drums and bass violin; Dave Gould, strings and chimes. Barrett features the Johns between sets with light classics.

OVANDO RUMBA BAND (5) With Jack Fernandez Nixon Cafe, Pittsburgh

For just a five-piece-combo, Ovando outfit knocks out some pretty sharp south-of-the-border melodies. They are a group of solid conga senders, consistently listenable and danceable. Crew consists of Ovando on the bass fiddle, drums, piano, accordion and a double-feature trumpet-violin star. Later is a fellow named Tom Milian (Incidentally, his wife is the pianist) and he's the crew's backbone, with some crack fiddling and tooting in the rumba specialties.

In the piano department, Jack Fernandez, who also doubles as vocalist. A good-looking, mustached Latin, he has a pleasant voice and it fits the kind of music Ovando is dishing out. He can also play out a lute, a good walk or fox-trot, which is

Joe Bishop to Saranac

Joe Bishop, flugel-horn player, arranger and songwriter, and one of the owners of the Woody Herman band, retires to Saranac, New York, tomorrow (Thursday). In poor physical condition for some time he was discovered to have contracted a lung ailment. Band had made no replacement as yet, but it probably will be another trombone instead of Bishop's specialty.

Player will maintain his interest in the stock of the outfit and while recovering will continue to compose. He won't be allowed to devote much time to the latter, however, for four or five months.

BUFFALO'S NEW ESQUIRE STARTS SLOW AT \$1.10

Buffalo, Oct. 1. Bad weather kayoned newly-opened Esquire Ballroom's venture into name bands Tuesday (24). Only about 350 persons at \$1.10 per shifted to Harry James' orchestra.

Dancery is setting a second band, preferably Bob Chester, early this month.

Gabbe Assists Haynes

Dick Gabbe, former road manager of the Will Osborne orchestra, was added to the General Amusement Co.'s one-night staff Monday (30). He'll assist Don Haynes in setting single dates, latter turning part of his time to book touring for several cover territory around New York, Boston, and Cleveland. Last named section was left without a GAC office when it was closed two weeks ago and Bob Weems let out.

Haynes knows that area, having been head of Consolidated Radio Artists' branch there before joining GAC.

Locals haven't yet become rumbadicts without reservation and like a little American tempo warm-up before they go in for the hip-shifting hops. Ovandons are nicely garbed in white tuxedos and blue scarfs and look the part. Cohen.

TONY DIPARDO ORCH With Betty Ellis Hotel Muehlebach, Kansas City

This is a new band, with only about eight months playing to ASCAP as the background, a six-piece former trumpet man for Joe Reichman, and went on his own in St. Louis, where band was formed and where it filled a big engagement for an extended period.

Crew is best at a lively tempo, as personnel is young and music is prominently brass as keyed by the leader. Biz is improving in the Grill with advent of cooler temperatures, and band is fulfilling tempers' requirements, mixing congas and rumbas with hot pop tunes.

Dipardo works with trumpet in hand and does specialty measures on nearly every tune. Band is formed on a 3-3-3 setup, and any expansion in near future will bring in a trio of fiddles. Besides himself in brass, leader has Tony Novaro and Mert Marin on trumpets, Lou Harker slide trombone, Howard Brown, piano, Kenny Bauer drumming, Bill Luthy string bass, and Lou Nauman, Jimmy Wolf and Chuck Bills in reeds. Marin, Harker and Nauman do the arranging.

For vocals, DiParo is carrying Betty Ellis, and calls on Nauman to handle ballads. Miss Ellis is a blonde looker somewhat ahead of the field, but deep-throated songs can stand some animation. Quin.

TONY MARLOWE ORCH (6) Kaufman's, Cheektowaga, N. Y.

Back from a string of Michigan dates, sax-playing leader tore down full band and rebuilt a six-man unit around electric guitar. It furnishes soft music with a lift in comfortable cafe style. Leader and trumpeter take melody leads; four rhythm give them full backing.

Personnel is Marlowe, sax; Pat Mancus, trumpet; Jack Darcy, piano; Marlowe, bass; Bob Gascon, guitar, and Joe Reine, drums. Reine is well suited to rumbas and such.

Trumpet is played in Johnny McGee style throughout, and facile alto sax in lesser spots rings well into tenor range. Softness is obscured in spots, though, by too-heavy drums. Once in a while leader does a chorus on his flute. It's nostalgic, for he gained a rep on local airwaves some years back as "Piccolo Pete." Betz.

George White, former drummer with Jan Savitt, joined Joe Frassetto's WIP house-band in Philly, replacing Morris Spector.

Oxford Boys, trio current at Lynch's, Philly, were screen tested by 20th Century-Fox last week.

B'dcasters Answer ASCAP

Continued from page 47

the best possible job, we each agreed to handle the fields we were best suited for. One of us took dance music, another classic and choral groups and so on.

Our first dance band for BMI music was Henry King who has cut 24 tunes. Morris Morris has just announced that he will do a number of semi-classic cuts.

You broadcasters don't have to worry about getting the finest musicians for your BMI transcribed music. Your transcription scale here in San Francisco is \$18 per hour per musician and I never saw a musician yet who would pass up the opportunity to make \$18 an hour.

Getting into actual figures, Laskey quoted VARIETY figures to show that only 22% of all commercial programming was comprised of music, whereas ASCAP is seeking 7 1/2% on the gross business done by all broadcasting, in addition to the 5% flat fee charged against stations. He pointed out that local stations pay \$3,600 a year in the flat fee alone which nobody ever hears about.

40% in Public Domain

Tracing ASCAP control of music, Laskey added that 40% of ASCAP's catalog actually is in the public domain.

Just before the 56-year copyright expired, ASCAP took these tunes and copyrighted a new arrangement, whereupon the old arrangement disappeared without a trace. Actually the music is in the public domain except for the trick arrangements copyrighted by ASCAP.

BMI now has most of the Stephen Foster music, 30,000 songs, numbers, 130,000 tunes in the G. Ricordi catalog, 2,500 from the Society of Jewish Composers and Publishers, plus catalogs of M. & M. Cole, Huidis, Hayder and Eldridge, Schirmer and A. P. Schmidt, on top of which we have 90% of the Latin American music, comprising 4,000 songs. We also are dickering for an Italian catalog.

Transcriptions of BMI music were played during the session, held in Palace hotel.

WMAX Exec's Slant

Macon, Ga.

Editor, VARIETY: I have noticed that recently you have devoted quite a bit of your valuable space to a discussion of the ASCAP situation both pro and con, and invited comments.

There is one slant to the performance fee levied by ASCAP that has not come in for much discussion. I refer to the numerous small restaurants, dine and dance establishments, and dancing pavilions that would use live music if it were not for the fee imposed by ASCAP. As a result, numbers of local musicians are denied work on this account. These public places are forced to use "nickel in a slot" vending machines for their music.

With the elimination of this performance fee, or arriving at a fee within reason, it would mean that numbers of musicians would be put back to work in these smaller localities.

E. K. Cargill,

President-Manager,
Radio Station WMAX

One Point of View

New York.

Editor, VARIETY: It looks, to some people, as if ASCAP might just possibly be trying to put the squeeze on the broadcasting industry by trying to exact a practical tribute due to a practical monopoly of the source of popular music. However, ASCAP disclaims any and all monopolistic attributes and we must assume that these disclaimers are honest.

But, if ASCAP is not relying on its virtual monopoly, then ASCAP will not be averse to a little fair, open competition. In fact, ASCAP should welcome having clean competition. That being the case, here is one solution of the problem facing us and this includes ASCAP.

Suppose that both ASCAP and BMI music should be available to the broadcaster as a musical program to be entirely of numbers from either one source or from the other (not mixed).

Then, let's set a rate for BMI which insures a fair return to it and let ASCAP put the bite on the stations and networks just at it proposes. Allow each sponsor to choose either BMI or ASCAP numbers, with the understanding that if he chooses ASCAP music, he will be charged the difference between the two; if

he uses BMI, no extra charge will be made.

In the case of time sold for non-musical programs, the time will be credited to either BMI and ASCAP in proportion to the time sold for programs using music, and each organization will be credited for its share at its specified rate.

This way is probably not the only way, but it is a good way to introduce competition and to give stations and advertisers their free choice, to eliminate any taint of monopolistic desires from the ASCAP group. In this way, too, that organization with the best goods, considering cost, will win out.

If ASCAP still insists on forcing broadcasters to sign with them exclusively, after an offer of this type is made to it, then ASCAP stands self-convicted of being all that it has been accused of being.

Victor Van der Linde.

Whiteman

Continued from page 3

while I would go insane. It's wonderful up there. No music, just fresh air. Boy, it's wonderful. Sure, I'm not going to quit music. I've got radio work scheduled for the winter, but that's all. I know what's good for me.

The ensemble that the portly violinist wore simultaneously startled and excited the cattle dealers and cowboys who thronged the exhibition building. He wore a pair of blue dungarees, knee-length rubber boots, a violently blue corduroy shirt, and an expensive raincoat which shrieked of Bond Street, London. This costume was topped off with a large and light hat of the 10-gallon variety.

He lounged nonchalantly against a wall facing the Argyshire exhibit as if he was warding off an attack against an army of autograph-seekers of which there wasn't any. "Say, Hamid," he suddenly said, "I bet I can't guess what I've got out on my farm."

Hamid shook his head. "I got me a genuine longhorn steer, just like the rodeo kind." The fair director registered surprise.

"But what puzzles me," continued the orchestra leader, "is what to do with him. I don't want to kill him and I don't want anybody else to convert him into beef. I'd like to give him away to some person or some farm so that he would have a good home."

Hamid said he would look into the case.

"How old is he?" asked Hamid. "Oh, gosh, I don't know, but he's got a five-foot spread of horn and he's just about the finest looking steer you ever did see."

Hamid said he certainly would try to find a place for him somewhere and then moved a little to one side as the roof began to leak immediately above his head.

Presently when the rain slackened a little, Hamid took his leave of Whiteman and continued his round of inspection with agricultural leaders. But Whiteman said he wasn't interested in anything else but cattle, and if Mister Hamid didn't mind, he would just stay on for a while, which he did.

Music Notes

Allie Wrubel wrote "Is All This Really Mine," to be sung in "Kitty Foyle."

Gene Autry and Johnny Marvin entered their Western Music Publishing Co. catalog with American Society of Composers, Authors and Publishers.

Lud Glushkin doing background music for "Lil' Abner," which Vogue is producing for RKO release.

George Basman doing a special scoring job on "Go West" at Metro.

David Snell is doing the musical chore on "Fighting Sons" at Metrb.

Murray Whell promoted to general professional manager at Mills Music.

Ormond Rathven's ditty, "Up on Wings," is being published by Feist.

Victor Young checked in at Paramount to score "Arise My Love."

Night Club Reviews

FAMOUS DOOR, N. Y.

Teddy Powell Orch with Ruth Gaylor, Jimmy Blair, Sid Tomack and Reis Bros. (2), Ross Sisters (3), Connie Russell with Al Siegal. \$1-2 minimum.

After being shuttered all summer, the Famous Door, cradle of swing bands, reopened last week backed by Teddy Powell, whose team (Band Reviews) occupies the stand. Both the spot and the orch have been refurbished since Powell's last date here. His was the crew on tap when the place folded early last summer. Joint is open to a 11-week night minimum and \$2 weekends.

Completely redecorated, the Door presents a newer appearance than formerly. Spruced up by Bob Craig in white pigskin and unshined wood, the spot is now an attractive room. In addition, its walls and bandstand have been soundproofed; so, the output of a 13-piece hop crew, can no longer cut customers' conversation.

Crew such as Powell's, when it takes off on a live arrangement, could make things a bit unpleasant. Powell's apparent nervousness when caught, murdering the turn of Sid Tomack and Reis Bros. As if that wasn't enough, the trio was repeatedly stymied by waiters skipping in front of 'em. Comedians stuff consists of songs and chatter along the lines of the Yacht Club boys, etc. They do piece on Orson Welles, a parody of 'South of the Border' and an arrangement of 'Sonny Boy'.

Ross Sisters are a harmonizing trio with little to catch the eye or ear. Arrangements are colorless and vocalizing just fair. Do 'Shortnin' Bread' for a starter and 'Hallelujah' to finish.

Connie Russell (New Acts) newest protegee of Al Siegal, is the possessor of a rich, warm voice and is another Siegal click.

Walton Roof, Philly (WALTON HOTEL)

Philadelphia, Sept. 27. Bob Russell, Dora Maughan, Paul Sydel, Oxford Boys, Patricia King, Glamour Girls (4), Neil Fontaine Orch. (4), with Felicia, Helen Heath, Elaine Barrett, Patricia Kingsley, Vincent Rizzo Orch. (4), Cheena di Simone Dancers (4); no cover, \$1.50 minimum Saturdays and holidays.

Drifting away from his policy of bigtime vaude names, Jack Lynch's current patronage lure is a production piece rather than that of musical comedy rather than that of floor show. It's tagged 'Wine, Women and Song' and staged by Marjorie (Midge) Fielding. Original music was written by Charles Barnes and the dazzling costumes are the product of Miles White.

Show is presented in three, each section representing part of the 'W. W. & S.' motif. First, 'Wine', which has Bob Russell as the 'wine steward' introducing showgirls, each supposed to represent a different vintage. Patricia King, comphy brunet, who was runner-up to Miss America in 1940, highlights the number with a slave girl dance with Neil Fontaine, band maestro, who has added terps to his repertoire. Background music for this number is supplied by the Oxford Boys.

'Women' portion of the show is taken care of by Dora Maughan, making her debut in the American entertainment scene after a self-imposed European exile of more than a decade. Miss Maughan is the 'queen of a girls' seminary. The seminarians, dolled up in caps and gowns, come out and tell how they smartened up about men. They sing a subtle alma mater piece and walk off with their diploma.

Last part of the production, 'Song', is handled by Miss Maughan, Russell and the Oxford Boys. A roving mike is taken around the table for customer participation. 'Dear Old Days' pilots the show neatly, baronies in his usually socky style. He's show-stopping in his rendition of 'Got You Under My Skin', 'Too Old to Dream' and a series of satiricals. Encore, 'I Am An American', is also socky.

Paul Sydel and his two dogs make a return here and uphold their rep as one of the top animal acts in show business.

Miss Maughan's solo is a femme version of Dwight Fiske. Husky-voiced, she puts plenty of meaning in her double entendre. It's good intimate stuff.

Fontaine's crew has been built up to a 14-man aggregation and works smoothly during the show and then ensuing dance.

Lull entertainment is supplied by Augusto Sabania's rumba outfit with its vocalist, Felicia. Touchoff for congas is handled by the Cheena di Simone troupe.

Vincent Rizzo's quartet plays in the Tropical Bar, accompanying the three canaries there, Helen Heath, Elaine Barrett and Patricia Kingsley.

HURRICANE, N. Y.

Romo Vincent, Alma Ross and Lei Lahni Ladies (3), Enrica and Novello, Carole and Sherod, Deane Jones, Carole Bush, Chiquito rumba band; \$2 minimum, no cover.

Mario has paralyzed Romo Vincent's fabulous stomach and a South Seas island atmosphere into a well-paying proposition. It's now 17 weeks since the beetle-browed Vincent and his belly came out of the west for their first bumps on Broadway. He was an immediate personality click with the result that the Hurricane, which initially lagged because of its too-close copy of Monte Proser's nearby Beachcomber, picked up enough to put the ledger on the black side.

Click is now big enough for Vincent to gag: 'This town isn't big enough for both of us—the Beachcomber will have to get out!' Mario should be moving him a partner, besides having him tied up well into next year.

This is a partially new show at the Hurricane. Three new acts are in the layout, including Carole and Sherod, a couple of tall, beat blondes who look like twins and do union dancing of a very polite type; Deane Jones, a shouting singer who does a jig with 'I Can Resist You'; 'Imagination'; 'Gaucho'; 'Serenade'; and a modernized 'I'm Nobody's Baby'. Bea Walker, who used to do the chore for Rae Samuels, accents on the piano. Third new entrant here is the ballroom team of Enrica and Novello, long standard in vaude and evidently now a swell bet for niteries. This team is polished, smooth and goodlooking, plus having nifty routines that are sufficiently flashy for the cafes.

Besides Vincent, the only holdover is Alma Ross, a hula dancer with a Swiss-stretch movement—her personal line of three girls, who also gyrate in the Hawaiian manner. It's the only touch of South Seas in the show, but everybody forgets about such inconsistencies once Vincent takes the floor for his closing chore.

He's a droll comic with an astonishingly good voice. He sings, clowns and does imitations, the take-off of Charles Laughton being stand-out. This is serious, but follows it with laughs in an imitation of a cowboy and singing 'The Last Roundup'. A mere bump of his educated stomach gets laughs, and he's a good dancer for a comic opera—a type of show that's long been absent.

Eddie Bush's orch plays the show and straight dancing, while Chiquito's crew handles the congas and rumbas. Both are satisfactory in their assignments.

NIXON CAFE, PITT

Pittsburgh, Sept. 21. Lee Dixon, Freddie and Betty Roberts, Monocled Ambassadors, Bob Carier, Al Marsico Orch (8), Ovando Rumba Band (5).

Names have always been something to brag about locally figured they could do without, but no more. With competition on the rise here and everywhere, and the downtown cafes pushing out in all directions to get the crack off, these are eyeing the marquee these days as much as they are the budget. For instance, it's doubtful if there's ever been a line of autograph-hunters in front of any Pittsburgh bistro, but there was when Lee Dixon opened here.

In past, couple of spots have brought in onetime names who have washed up at times of their engagements here. But Dixon's still riding high. His film rep is still fairly green in public's memory and those who follow the stage here also know that he was a solid click on Broadway only this season in 'Higher and Higher'. He should help the Nixon's b.o. mightily as much as he's helping the Nixon's b.o. A corking hooper, he's mopping up with his tapersation, giving out with at least half a dozen numbers, best of which is his crack here in 'Higher and Higher'. A lighting plant here doesn't give this number production it needs, but even so Dixon makes it a stand-out.

Freddie and Betty Roberts are okay ballroomers, with flash, class and an extensive repertoire that encompasses most of the terp perennials. Couple of times a week they do it smart and graceful. Other turn is Monocled Ambassadors, couple of cheerio, tuxedoed and good looking fellows, and it's a couple of strong-arm stuff to a leisurely, Anglicized tempo. Boys carry out the hip-hip-oh-deah stuff into the acrobatic stunts and it's a good novelty twist to a better-than-regulation act. They lose a little something because they have to open the show but even so click heavily. Individually, performers are way above-usual-niterie average here, but collectively, they leave something to be desired. For one thing, layout needs a little more and registers on his own at the midway point with

Niterie Followup

Hildegard continues to wham 'em at the Hotel Savoy-Plaza's (N. Y.) Cafe Lounge, with her intimate personality but, above all, her undeniable personality. Geographically limited now as to her former 'Continental' perch, which means elimination of previous well-established Viennese clientele—and even the French ditties are no longer in the popular mood—the showmanly Hildegard has bridged the transition well with a choice assortment of pops, including the current crop and yesteryear Gershwin, Porter and other excerpts. Her current Berlin item from 'Louisiana Purchase', titled 'Outside of That I Love You', is exceptionally well handled with maestro Emile Petli now doing a good vocal straight. 'Babes in the Woods', 'But Not for Me', 'I Love Music' and kindred numbers are other highlights.

A fetching personality always, Miss Hildegard makes the now overdone clog of 'glamour' mean something. Per usual, Leo Khan is a very able accompanist when the warbler works. Sans self-accompaniment, Petli's septet give out in sprightly fashion. Biz apparently is terrific.

Eddy Duchin is winding up the Hotel Waldorf-Astoria's Starlight Roof (N. Y.) in great style with several new vocal features in June Robbins, Tony Leonard, Jimmy Drake and the standby Lew Sherwood, plus the fetching dancing pair, Gower and Jeanne, clicking better than ever with their husky, husky. Their walz opens shows this finished albeit very youthful couple to excellent advantage, preceding their 'dress rehearsal' concert, and thence into the ballroom. C. Minor (rhythized) and the Dixie finale. Duchin, who has done very well for the Waldorf in the past, seems to be repeating his b.o. values. Kudos to Bob Carier, who's doing a combo, also long a Waldorf standard, and clicking. Next week Duchin with Carol Bruce (doubling from 'Louisiana Purchase') incept the formal reason in the downstairs Sert Room.

Betty Allen, Ethel Merman's understudy who succeeded her in 'Daddy Was a Lady', is doubling with Monte Proser's N. Y. Beachcomber and doing a good job as a singing singer. She warbles pops in the modern idiom such as 'Latinus Know How' (from 'Too Many Girls') and the like, while Raul and Eva Reyes do rumba antics in above-standard style. Their 'Shoeing the Wild Mare', a novel familial Havana conceit, is done with distinction, and was long identified with this comedy Latinish couple. Their 'Cranking the Ford', however, an attempted switch on 'Mare' does not pan out so well, running long and tediously. Chavez and Sonny Kendis' bands dispense socko datsanation. Abel.

A few minutes of high-class tenoring. At Marisco's orch, the Billie Holiday playing a show and gives the dancers their money's worth, too. Now, he's alternating for the hoofery with Ovando's rumba orch and his rhythmic rightness.

Cocoanut Grove, N. Y. (PARK CENTRAL HOTEL)

Jack Waldron, Elenore Wood, Barry, Prince and Clark, 'The Pastimes', 'Three Nightingales', Robert Roberts, Three Men of Gotham, Buddy Clarke Orch; dinner minimum \$2, supper minimum \$2.50, Saturdays, \$3.

New show succeeding the Sally Rand unit includes a nudist dancer, Elenore Wood. (New Acts), who was voted 'Miss America' in 1939, and a troupe of dancers, plus numerous other acts and specialties to get the Big Apple, for which members of the audience are asked to form a circle and with the linegirls do rumbas, congas and cariocas. A number serves as a finale and a laugh, as intended. 'Seat' Powell, who formerly worked in the cocktail lounge at the Park Central, is in on the singing end. 'Peelin' the Banana' was written specially by Boots McKenna and Michael Cleary.

A click turn on the show is the piano-singing trio of Barry, Prince and Clark (New Acts), Jack Waldron, seasoned in vaude and night clubs, is the m.c. and, as usual, has no trouble scoring. Also prominent on the show are The Pastimes and Fanchon (New Acts), dance featuring Lessee, who includes Robert Roberts, soprano; who does the 'Italian Street Song', well, the Three Nightingales and Three Men of Gotham, singers who figure in the show's patter.

A sequence of a patriotically backgrounded scene, Miss Roberts was formerly known as Roberta Roberts. Whole show is fast and nicely costumed. There's a goodly number of the Buddy Clarke orchestra plays for the show as well as for dancing, doing a good job on both.

Leighton Noble band booked to reopen William Penn Hotel's Chatterbox, Pittsburgh, beginning Friday (4). Placed by MCA.

Max Adkins, director of Stanley theatre orchestra, Pittsburgh, has installed a small combo at Riviera, suburban Pitt niterie.

Frank Hernandez rumba band opens indefinite engagement Thursday (3) at El Chico, Pittsburgh, replacing Lola Cordoba outfit.

Wanda and Her Escorts close long stay at William Penn hotel, Pittsburgh, Friday (4), open following night at Buffalo's Hotel Statler for three weeks and then move to Statler in St. Louis Oct. 28 for a stay. Placed by MCA.

Frank Etchler opens tonight (2) at William Penn Tavern, near Pittsburgh, for four weeks with options.

Harry James orchestra comes into the Panther Room of the Sherman Hotel, Chicago, on Oct. 18. Follows the current Duke Ellington aggregation.

Judy Richards joined Mart Kenney and His Western Gentlemen in Winnipeg, Man., as vocalist. She replaces Beryl Bodenne. Billy Clayton, Vancouver, has been added as drummer. The band has just toured Canada and has opened a winter engagement at Brant Inn, Burlington, Ont.

Matty Malneck is signed for a musical featurette at Universal.

Paul Spor at Willard hotel, Toledo. Spor also emcees the floor shows for Frank Gordon, manager.

Sandy De Santis' orch, Vancouver, B. C., has Lana Shirley to replace Judy Richards, who went to Mart Kenney's Western Gentlemen.

Jack Crawford current at Blue Moon, Wichita.

Paul Smith and his 10 Regal Rocking Rhythmaires complete second year at Club Rex, Birmingham, Oct. 5.

Jan Savitt's shift to Music Corp. of America management is officially

CURLEY'S CAFE, MPLS.

Minneapolis, Sept. 28. Oscar Bellman's 'Storytone' Orch (5), Jane Leslie, Jimmy Hegg, Miss Jeanette, Ravaye and Margo, George Givot; no cover or minimum.

With George Givot as its headliner, this attractively appointed but comparatively small, niterie has launched a new name policy. Main room, where show is staged, seats 200 and an adjoining lounge, off the long bar, takes care of about 100 more. There's dancing before and after the floor show in a rather cramped space in the center of the room.

Aside from Givot, show does not represent much of a monetary expenditure. Jimmy Hegg is an unassuming and personable m.c. who also does a bit of warbling. Opening the show, Miss Jeanette, an eye-filling blonde, delivers some fast taps. She and all the other performers, excepting Givot, are on twice at each show. For her second appearance she contributes an acrobatic dance topped off by some unusual head spins and contortionistic work. Jane Leslie, also a looker, sells her pops nicely, both when she sings with the band and during the show. A smooth-working ballroom pair, Ravaye and Margo, score with their whirls and a Conga.

Givot closes the show with this intimate atmosphere and 'Dwell' crowd seemed right up his alley. The customers ate up his gags, stories and songs, delivered in his usually scrambled French dialect. It's pretty much the same material he has been using in vaudeville and over the radio for years, but plenty spiced up for the last midnight show. Of course, it's not drawing room stuff, but still not too blue and judging by the laughter and applause, just made to order for the environment. He works a full half hour. Ken Nichols assists at the piano.

Oscar Bellman's orchestra (5) plays dance music and show well. Conductor aids considerably by his work on the 'Storytone' piano and at the regular keys.

Mills Music Co. is publishing the score of 'Meet the People', the Hollywood stage revue which goes into New York Christmas week.

effective Nov. 3. MCA booked him for a date Nov. 12 and will have to split commissions with CRA. Later has him in Pottstown, Pa., Nov. 2.

Jimmy Livingston has taken over at the Tutwiler Hotel Continental Room, Birmingham.

Ben Bernie and orchestra set for second annual National Cotton Festival Friday, Oct. 4, Greenville, S. C.

Bobby Burns has quit Al Sutphin's Cleveland Arena publicity staff to return to Charlie Savar's Trianon ballroom as promotion manager.

Sammy Kaye will vacation for six days, Oct. 4-9, before starting his annual stretch at the Commodore hotel, New York, Oct. 17. Plays RKO theatre, Boston, beginning Oct. 10.

Ted Lewis celebrates 25th wedding anniversary in New Orleans Oct. 7. Milt Pickman, former manager, and several others flying from New York for party.

Greg Jackson, from Raymond Scott's band, takes base spot with Jan Savitt's outfit tonight (Wednesday) at start of Savitt's date at Meadowbrook, Cedar Grove, N. J.

Horace Henderson band has been almost entirely rebuilt. Israel Crosby, base, and Emmett Berry, trumpet, only old members left.

Ed Fishman, of Wm. Morris agency band dept., out on tour of locations taking him to coast. Away three weeks.

Dick Stable band was replaced at Sunbrook Ballroom, Pottstown, Pa., Sunday (29) by Jerry Wald, Stable taking instead a date at Batavia, N. Y. Dance was the one for which Charlie Barnett was originally scheduled and refused to play after it was booked by CRA.

Helen Forrest, Benny Goodman vocalist, doing single at Capitol theatre, Washington, D. C., starting Friday (4).

LA CONGA, N. Y.

Eddie LeBaron Orch (11), Rosita Rios, Gloria Belmonte and Ramon Serrano, Harris, Claire & Shannon, Johnny Rodriguez, Golden Dancers (6); \$2 and \$2.50 minimum.

The Milton Rubin-Irving Zussman management gives La Conga customers full value with their Latin-American show. With Mario stepping out into his own new spot, the Hurricane, nearby on Broadway, the ex-press agents for the niterie are now co-bonafides and seemingly making a click of it.

Last year, of course, saw the heyday of the Conga when Desi Arnaz and Diosa Costello put this basement room over for big b.o. This season, in absence of this sock pair who went from 'Too Many Girls' stage musical, and thence into the EKO 'Girls', Eddie LeBaron comes in as a band with more than average name value for a room of this calibre. LeBaron is breaking the jump back to the Rainbow Room, with a month's stay here first.

Rosita Rios who, too, has been around, is the topliner, selling her Latin ballads well. Johnny Rodriguez is a slightly wacky and woolly conga kid to whom the management gives extravagant billing as 'the new king of the conga in an endeavor, perhaps, to bring him up as a male counterpart to the effervescent Diosa Costello. He's an energetic enough worker, terping and working with the conga drums.

Real rock of the show are the non-Latin Harris, Claire and Shannon, two girls and a boy, standard with their routine whereby he utilizes two femme vis-a-vis as ballroom partners at one and the same time. It makes for a good novelty. He handles them expertly.

Galvan and his San Souci Dancers (6) from Cuba are a glorified conga line, breaking up the proceedings well, as do Gloria Belmonte and Ramon Serrano with their castanet, cape and kindred caperings. She also essays a solo dance specialty.

La Conga, withal, bids fair to ride the crest of the Latin vogue for the other season although, as competition stiffens, something more socko will have to be introduced. As it is, it shapes up as a brisk, bright, light show, rock value for the \$2 and \$2.50 (Saturday) minimum for supper.

N.Y.'s Class Niteries Go Into High Gear This Month; Staid Plaza's Girl Show

The class joints in New York are getting rolling, most radical departure being the girl-show into the heretofore conservative Persian Room of the Hotel Plaza, N. Y. John Buckmaster, mimic-son of Gladys Cooper (now Mrs. Philip Marlowe), and Dixie Dunbar head the revue which Russell Markert-Gene Snyder producing for premiere Oct. 8. Hope Manning, Albert Drake and Grace Poggi will also be featured, along with the Dick Gasparre and Gerry Morton bands.

The Rainbow Room, Oct. 16 goes 100% Spanish for its new show; next week, Carol Bruce and Eddy Duchin's band induct the formal season at the Waldorf-Astoria's Sert Room; the new ice revue opens at the St. Regis Iridium Room this week; El Morocco has already opened with Jack Towne's band, and Fefe Ferry reopened his Monte Carlo last night (Tuesday), with Ted Straeter's band again holding forth, to cash in on the turnout from the Ed Wynn musical, as did Herbert Jacoby at his Ruban Bleu. The Versailles also gets a new change of show Friday (4), with Sheila Barrett and Paul Draper as co-headliners.

Two Cleve. Niteries

In Fight for Names

Cleveland, Oct. 1. Mounds Club and Ohio Villa, the two toniest niteries with the heaviest talent budgets in this section, are fighting again over names. Mounds, where Sammy Walsh is acting manager and m.c., is going after the so-called carriage trade by engaging Peggy Fears Thursday (3) for a fortnight. Sheila Barrett did a smash biz at this club during her current visit.

George Jessel had been penciled by Frank Sennas to open at rival Ohio Villa tomorrow (Wed.), but vaudeville commitments forced a two week postponement. Benny Fields comes in to pinch-hit for Jessel, with a new line-up consisting of Jay and Lou Seiler, Castle and Barrett, the Alice Purnell line and Maurice Spitalny's orch.

RKO's Now 'n' Then Vaude In Rochester

Rochester, Oct. 1. RKO Temple, onetime two-a-day Keith vaude house here, will try occasional vaudeville policy opening with Blackstone week of Oct. 11. It'll be the first stage attempt since house switched to westerns and adventure films at 25c top after vaude moved to newer RKO Palace and then faded. Admission is expected to go to 44c nights and frequent stage shows will follow if this clicks.

Both RKO Palace and Century are prepping night-a-week stage-radio shows with commercial sponsors.

ACTS DON'T MIX WITH FILMS IN MEXICO

Mexico City, Oct. 1. Local cinemas have practically abandoned stage show policy, excepting under very extraordinary circumstances such as added attractions for national fiestas and personals by very big radio or screen personages. Stage shows ran the houses in the red and, in some cases, damaged prestige. The public here is not very keen about mixing screen and stage entertainment. The swank Cine Teatro Alameda was the last of the local deluxers to drop flesh shows. It has the only revolving stage in Mexico.

Mexicans get their flesh entertainment in the half dozen houses like the Lirico and the Folies Bergere, which run no films.

Charley Christians, Benny Goodman guitarist, has been playing one-night stands with Count Basie band while waiting Goodman's new start.

• 15 YEARS AGO •

(From VARIETY)

Cleveland police ordered the Shuberts to rid their 'Artists and Models' of its nudity. Show, playing the Hanna in the Ohio city, quickly complied and put more clothes on the dames.

Maude Adams, who was believed to have successfully worked out a practical method of color photography for motion pictures, was entering the film-producing field. She was to personally appear and produce Rudyard Kipling's 'Kim' in color.

'Sunny' was the most costly show ever to hit Broadway, at a cost of \$250,000, to Charles B. Dillingham, the producer. The Marilyn Miller starrer had an overhead of \$20,000 weekly.

Fanchon & Marco renewed its contract with West Coast theatres to stage shows for three years at around \$100,000 yearly. Former pact was for two years. Originally, the producing outfit started at \$200 weekly.

Prohibition observers stated that within two years light wines and beer would be permitted in the United States. At the same time, they stated that hard liquor was 'gone forever.'

Forty-second street was 100 years old, and an anniversary celebration commemorating the event was held in the Hotel Commodore hotel, New York, under the auspices of the 42d Street Property Owners and Merchants Assn.

Alice Lloyd, back at the Broadway Palace after three years touring round the world, was just as welcome in her return as when she first pioneered as an English woman invader in 1907.

Rhumba Fad Hits Cleve. Late, But In A Big Rash

Cleveland, Oct. 1. Statler's Terrace Room is breaking out with a rhumba rash Oct. 7, acquiring Jose Morand's Cuban orchestra, six conga dance teams and a new name for its winter preem. Jack Hennessey, Statler exec here, to supervise the remodeling job, is shaking up the entire room to get rid of the rigid ultra-conservative atmosphere which placed it on wrong side of ledger last year. Walter Margulies, who designed Brazilian Pavilion for New York fair, was brought in to redecorate the dancery in Latin-American atmosphere. Renamed the Cuban Terrace Room, it will be patterned after New York's LaCongo Club, where Morand's crew played last semester.

Ramon Armengod, Mx tenor, is coming from Fefe's Monte Carlo. N. Y. Lola and Andre will top line first floor show with their LaCongo troupe, augmented by Sam Costello's Arthur Murray dancers. Although late in reaching Cleveland, the rhumba-conga fever is nipping the town badly. Tony Ellis' new LaCongo Club' outskirts of town is hitting a bonanza stride with Ramon Arias' gourd-shakers. Monaco's Cafe also going Latin tomorrow (3) with Don Pablo's band coming in from Detroit's Palm Beach Cafe to replace the Four Versatilians, who are moving to Hotel Carter's Petit Cafe.

Only local hostility refusing to concede to the rhumba fad is Hotel Cleveland, which is booking Paul Pendarvis' outfit into its Bronze Room Oct. 10. Succeeds Gene Beecher, in for only a month.

Cole's Winter in L'ville

Louisville, Oct. 1. Contract has been signed by state fair officials with the Cole Bros. circus to use the grounds as winter quarters.

Menagerie of more than 250 animals, including about 20 elephants, seven giraffes, and 100 horses and zebras, will arrive in town between Nov. 1 and 10, and will be in quarters until next May, with the exception of a seven-week winter tour in January and February.

Drive vs. Philly Niteries for Sun. Liquor Violations Under Way; Cite 13 Spots

Hula Joint Invading N. Y.'s Swing Street

A new spot is set to get going about Oct. 15 on the site of the old Onyx Club, on 52d street, N. Y. New entry will be tagged the Club Waikiki, switch away from the street's jive rep.

Band will be under Andy Iona, who's now on the Coast. It'll count up to six pieces including leader.

Concessionaire's \$11,500 Suit vs. Ex-Paradise, N.Y.

Suit against J. Arthur Adler, attorney and one-third owner of the capital stock of the Paradise Catering Corp., was revealed in N. Y. supreme court yesterday (Tuesday), when the plaintiff, Richards & Hassen Enterprises, Inc., applied for an examination before trial of Adler. Action seeks \$11,500 and claims fraud.

Plaintiff entered into an agreement on Dec. 18, 1939, for the checking and washroom concessions at the night club, allegedly after having been told by Adler, that the Paradise was solvent, had \$50,000 in cash for operating expenses, and had the rights to the name 'Ziegfeld Midnight Frolics' (as the now defunct Paradise niterery was re-tagged). It is claimed that none of these statements were true, and the \$10,000 for the concessions plus a 10% of \$1,500 were secured under false pretenses. Answer consists of a general denial.

Saranac Lake

By Happy Benway

Saranac, N. Y., Oct. 1.

Dorothy Maxwell, ex-chorine who did a little time up here, now operates a spiritualist church in Rochester, N. Y.

Tommy Vicks, who niteclubbed it during the summer in Rochester, N. H., now in Boston, and okay. He's due here for his annual checkup.

Frank Millor, musician who summured here, has finally landed a connection at Woodside, L. I.

Slipfoot Clifton is improving rapidly.

Jim Paul, ex-colony ozoner, who has been doing his airing at the Nassau County Sanatorium, is reported much improved.

Karl Kearns, Fairmount, W. Va., who has been progressing at the Will Rogers very nicely, anticipates opening a niterery in his home town when he receives his o.k. papers.

Snow and 24 above zero here, so the Mt. Baker Floridid niterery shuttered.

Francis Steele, once with the Dumbells, Canadian theatrical troupe, here for a general checkup.

Phil Collins, who once chirped with Frank Corbett, took a two-week o.o. here. No can stand cold weather, so he will continue, ozoning at Demming, N. M.

Write to those who are ill.

Philadelphia, Oct. 1. The long-threatened blitz by the Pennsylvania Liquor Board against niteries selling the hard stuff after the 2 a.m. curfew on Sundays is under way.

On Saturday (28) the board handed down citations against 13 spots, including seven of the most popular cafes in the central city area. The charges also include presentation of obscene shows. Hearings will be set this week. Several of the places cited by the board have been under fire in the past, and, if the courts find the places guilty of the allegations, they face complete revocations of their liquor licenses instead of the fines suffered in the past.

Central city places accused of violating the Blue Law by selling liquor and having shows on the Sabbath are: The Embassy, 20th Century Tavern, Little Rathskeller, Club Bali, DeGorgue's Cafe, Rendezvous (Hotel Senator). The El Chico (now closed) is charged only with Sunday sales.

Uptown spots on the list are the Stork Club, Cadillac Tavern and Stamp's-on-the-Delaware. Suburban roadhouses to face the board's ire are Penn House, Ryn Mawr, Seven Seas Cafe and Martin's. The latter two, in Chester, are charged with allowing obscene entertainment in addition with breaking the Sunday sales law.

Officials of the liquor board indicated that they will extend their drive throughout the State. Recently there have been a flood of complaints by religious organizations against the flouting of the liquor laws. With an election in the offing, the Republican-controlled liquor board cannot afford to disregard the so-called 'church vote,' and hence the drive.

Agents who got the goods on Philly spots were imported from other sections of the State, so that their presence would be undetected by proprietors and bartenders, who are well acquainted with the local sleuths.

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Chi Acts Squawk About Olson's Indpls. 'Showing' Gag; Ask AGVA to Probe

Chicago, Oct. 1. Investigation of the 'showing night' plan by Charles Olson for his Lyric in Indianapolis is being asked of the American Guild of Variety Artists by vaude performers. Acts are being asked to journey to Indianapolis for a 'showing,' for which the house will pay some \$5 to \$10 per act for the performance.

Acts are being told that this 'showing' may result in their being booked into the house for a future date at their regular salary. The acts state that both Olson and his local booking representative, Kermit Dart, have opportunities to view them in either of two weekly showings in Chicago at the Oriental or State-Lake, and that it is simpler for Dart or Olson to visit these loop houses for an o.o. of the acts than for the performers to go all the way down to Indianapolis. In Chicago, bookers, radio agencies and other talent buyers form a wide potential buying audience for these acts, state the performers, while in Indianapolis it will be an exclusive showing only for Olson.

Acts feel that the Indianapolis showings have only a slim chance of working out for a regular booking and again only in Indianapolis, while a showing in Chicago presents their act to a wide field. For this reason, the acts resent the attempt to make them journey to Indianapolis for a one-time shot for a fin or a saw-buck, with the 'showings' then figured really only as a boxoffice scheme on the part of Olson for a one-night gross stimulant.

Understand that AGVA will take under consideration these complaints by the vaude performers and may act to prohibit a setup which would take acts from Chicago to Indianapolis for one show without some guarantee or commitment from Olson as to a regular engagement in the house.

MCA, Schine Test 1-Day Orch Dates; Looking for Route

Musie Corp. of America is currently experimenting with single day band shows in a half dozen theatres on the Schine circuit in upper New York state, with a view toward widening the number of single day theatre opportunities. One-day stands in Pennsylvania have proven popular during the past year or so.

Test run laid out by Harry Moss, MCA one-night head, schedules Shep Fields' band for stops at the State theatre, Little Falls, yesterday (Tuesday); Palace, Rockport, today; Geneva, Geneva, tomorrow; State, Cortland, Oct. 4; Glove, Gloversville, Oct. 5, Harry Jones' outfit did test one-timer at the Elmira, Elmira, last week (25).

Idea is to set up one or two full weeks where a band can go through on percentage deals, jumping from house to house with little transportation cost. Stops between towns are short. If it proves okay, each house will get one band a week on definite nights.

BENNY-THE-BUM TRIES AGAIN AS NITERY OP

Philadelphia, Oct. 1. Benjamin (Benny-the-Bum) Fogelman, who took a flyer from the bank business after his South Broad street nitery folded last spring, will be back at his first love Friday (4) when he opens a new spot. His latest venture will be an intimate club in the style of the spot in which he first made a success in this town before he branched out on the ambitious scale that caused his downfall.

Fogelman's new spot will also be known as 'Benny-the-Bum's'. It is on the site of the old Madrid of the prohibition era. It was more recently known as the 21 Club and El Chico.

Another spot to reopen is the Ben Franklin hotel's Garden Terrace. It starts its fall season tomorrow (Wed.) with a name band and show policy. Openers will be Bill McCune's orch, Maurice and Cordoba and Kajar, magician.

Benny Fields' Dates

Benny Fields is current at the Ohio Villa in Cleveland. Upon his return to New York he will do some headline engagements for the Brands, including the Flatbush and Windsor theatres.

This will be Oct. 17 and thereafter.

DALLAS CAFES ALL SET FOR TEXAS FAIR

Dallas, Oct. 1. Anticipation of more than 1,000,000 visitors to the State Fair of Texas, to be held at Dallas, Oct. 5-20, has set local hotels and night clubs to think in terms of big boxoffice, resulting in a 'war' to sign up top name talent for their respective spots.

Adolphus hotel's new Hawaiian room holds Malcolm Beelby's orchestra and a floor show which included Aggie Auld, exponent of the hula, Johnny Kaahue's instrumentalists. Ted Fio-Rito due next.

Across the street at the Baker Hotel's Mural Room, Henry King and his orchestra continues to attract.

The Plantation Palm Club now in its fall policy of dancing only on Thursday, Friday, Saturday and Sunday nights and a Sunday matinee, opens Friday (4) with Gus Arnheim, to be followed by Jack Crawford for four days starting Oct. 10. Hal Kemp plays a one-night stand here Oct. 15. Herbie Kay slated for two four-day engagements starting Oct. 17 and Oct. 24 respectively. Clyde Lucas is scheduled here for a four-day run starting Oct. 31.

'FOLIES BERGERE' GOES INTO S. F. GOLDEN GATE

San Francisco, Oct. 1. Clifford C. Fischer's 'Folies Bergeres,' which closed at the Expo Sunday (29) after playing to \$25,000 a week, opens a week's stand on mainland at RKO Golden Gate tomorrow (Wednesday).

Will mark first date of touring version, which almost went into legit houses and may yet. Deal reached talk stage between Fischer and Homer Curran, operating Curran and Geary here. However, reported that Curran was afraid to take a chance, Fischer then blowing up at suggestion his attraction might fail to do sufficient biz.

New Nitery Season Tees Off In Mpls.

Minneapolis, Oct. 1. Fall-winter nitery club season is off to a brisk start. Curly's has reopened with big-time policy and has George Givot as headliner for its five-act floor show. Freddie Fisher's 'Schnickelfritz' band goes into its 14th week at the Happy Hour, while 'Murder in the Old Red Barn' rounds out a full year's run at the 620 Club, with no end of the engagement in prospect.

Hotel Nicolette's Minnesota Terrace, town's swankiest spot, has Bernie Cummins' band with Connie Barbeau, Walter Cummins and Gonzalo and Christine. Eddie Rogers' orch holds forth at Hotel Radisson's new Flame Room, and Seeger Ellis' band is at the Hotel Lowry.

From Solo to Quartet

Pittsburgh, Oct. 1. Career as a cafe singer for Frank Andriani, formerly of Andriani Brothers, vaude and nitery team, will be short-lived. He's quitting the Villa Madrid here, where he has been working on his own for the first time, to take a strollers foursome into Hotel William Penn's Continental Bar.

GROSSES TELL STORY

Mpls. Favors Strong Pix Over So-So Vaudeville

Minneapolis, Oct. 1. The World and Alvin theatres are located directly next door to each other here, a half-block off one of the main thoroughfares. And there hangs a tale.

Former house is a sure-seater with a 44c top (excepting 55c loges) and a 350-seat capacity. It plays straight films and last week had 'Ramparts We Watch' and a news weekly.

Alvin, one of city's most beautiful theatres, seating 1,000, has 55c top and last week it had a stage show with a large company of principals, a line of 18 girls in a vaudeville and a pretentious stage production, minus any draw names, plus an independent feature photoplay.

Curiously enough, last week both houses grossed the same amount within a few dollars—\$3,600. But for the World and its straight major film policy that represented an estimated \$2,000 profit, while the Alvin, with its flesh payroll, musicians, stagehands, etc., took it on the chin for at least \$400.

The same week the Orpheum, with a 3,800-seat capacity and 55c scale, also had a big stage show, same names but good, and it also did a brody, its \$7,500 gross—just a trifle more than double that of the World—representing a loss of fully \$2,500.

Conclusion among trade is that the public here won't buy stage shows without names in paying numbers, seemingly preferring straight films that mean something.

AGVA, THEATRES NEAR ACCORD

Meeting is expected to be held before the end of the week between New York theatre representatives and the American Guild of Variety Artists to signature a redrafted contract covering use of stage talent.

Complete agreement has been reached between both sides after lengthy negotiations, final hitch now ironed out being the effectiveness of the contract for Greater N. Y. theatres only. RKO and Paramount principally insisted that the terms and conditions were not to apply outside the area, with separate negotiations to figure for other cities and localities.

Theatre managers and circuit representatives are at present also discussing a new contract with the Cleaners & Porters Union, Local 54, which won recognition last year for the first time. Union is asking an increase of \$4 weekly above the scale of \$16.80 now paid, and wants a reduction in the hours from 48 to 42 per week.

While the circuits and individual theatres the mulling the demands, with another meeting to be held shortly with the union, it is reported likely that an increase will be granted, but whether or not the work week may be shortened is not indicated.

Pointed out that in most of the larger houses the porters are now getting over the scale, the importance of a boost to the union members being concerned largely in the majority of the nabes.

ELLA FITZGERALD TEES OFF B'WAY TROPICANA

Ella Fitzgerald band and a series of colored vaude acts are scheduled to open at a new Broadway N. Y. nitery spot Oct. 16. Called the Tropicana, the new place is on the fringe of the Times Square sector, between 52d and 53d streets and was formerly called the Hollywood. It is not the Hollywood, however, that was operated by Joe Moss and which later housed Bob Ripley's Odditorium.

Acts already set along with the Fitzgerald crew are Buck and Bubbles, Red and Ray, and Jackie Mabley. Band is set for four weeks and will have three CBS wires weekly.

Salie's Puppets, which coined a mint of money for the management at the Frisco Expo, moves Saturday (5) to the Alcazar long-dark S. F. legler, for month.

AGVA's Philly Exec Sec Stands Pat Until Official Word From Nat'l Bd.

Chi AGVA to Nominate

Chicago, Oct. 1.

Local unit of the American Guild of Variety Artists will hold a nominating meeting in the Sherman hotel on the afternoon of Oct. 10.

AGVA office here is putting on a big drive to bring the performers out for this get-together, flooding all actor hangouts with heralds to urge their attendance.

PALACE, CLEVE, FEELS DEARTH OF NAMES

Cleveland, Oct. 1.

Outside of two straight vaude shows, Palace is having such a tough time picking up Hollywood and radio names this season that it's being forced to fall back on bands for the next two months. Although Guy Lombardo drew a good \$17,000 last week, it's a strange fact that majority of bands that click in other towns do only so-so at this RKO de-luxer. Chief reason is that the town is band-satiated and also fed up with swing.

Nat. Hot, zone manager for RKO here, is doubling and even tripling headlines to offset this curious antipathy. Example of triple-star booking is in current bill co-heading Ken Murray, Tito Guizar and Carole Landis, film player. For week of Oct. 4, Palace will back Jimmy Dorsey's crew on stage with 'Ramparts We Watch' on screen. Only leg show slated for house so far is 'Bali Bali' for Oct. 11.

Rest of the fall calendar is filled up with bands, including Xavier Cugat for Nov. 1, and Woody Herman for Nov. 15, but Holt plans to hypo both of those orchestras with film names to beat the natives' phobia against jive.

20TH-CENTURY, BUFF., LINES UP NAME SHOWS

Buffalo, Oct. 1.

Definite trend toward increased use of stage shows here is evidenced by the announcement of the 20th Century (Dipson-Basil) that seven costly stage shows have been booked as follows:

Blackstone, current; 'Funzaire,' Oct. 4; Hollywood Hotel Revue, Oct. 11; George Jessel's unit, Oct. 18; Jimmie Lunceford, Nov. 1, followed by Woody Herman, Shep Fields and Larry Clinton.

40 Miss America Goes Into Pitt Roller Derby

Pittsburgh, Oct. 1.

Usual Pittsburgh nitery break-in for annual Miss America's pro career being passed up this year by Frances Burke, 1940 prize beauty, for a week of personals at Roller Derby in the Gardens. Burg generally gets the first professional glimpse of new Miss Americas because George Tyson, director of pageants who places each succeeding winner under a personal contract for a year, is located here as advertising chief of Harris Amus Co.

With no nitery in town willing to shell out asking price for Burke gal, Tyson decided to give his own outfit a break. Gardens is owned and operated by Harris interests.

Weekend, Vaude in J. C.

Jersey City, Oct. 1.

Orpheum has resumed its policy of bringing vaude in on a regular schedule of Fridays and Saturdays. Three-day addition 'to' celesbiary double-feature policy is now the rule. Gabe Van headed first bill last week (27-28).

House had 32-week run last season and David Kane, manager, says success of idea this year may lead to extension of vaude to other houses in Rosenblatt & Welt chain. There are 10 houses of chain in Jersey City, Bayonne and Staten Island.

Philadelphia, Oct. 1.

Despite reports from New York that he had been replaced as local executive secretary of the American Guild of Variety Artists, Lee Travers is continuing to do business at the same old stand. 'All I know about it is what I read in VARIETY last week,' was Travers' comment.

Travers, according to reports from the board meeting in New York, has been made a national representative for the southwest. New England, but he said he 'wasn't sure that he wanted the job.' 'However, I'm sitting tight until I hear from our New York office,' he said.

Travers will be replaced by Tom Kelly, who was ousted Aug. 20 by Hoyt C. Haddock, national executive secretary, for 'alleged incompetence. Kelly was reinstated by the national board early last week (23) for a 'probationary period' after he was backed up at a riotous meeting of the Philly membership of Sept. 17. At that time the Philly local threatened to secede unless Kelly was put back on the job.

Meanwhile Travers said he was holding up all attempts to sign up local niteries to AGVA contracts because of the unsettled conditions. He was seated at an AGVA delegate to the Philly Central Labor Union last Wednesday (25) in place of Kelly, (Continued on page 54)

Joe (Dufor &) Rogers Going Into Eatery Biz At Dempsey's 8th Ave.

Joe Rogers, of Dufor & Rogers, outdoor concessionaires, has taken over the original Jack Dempsey's restaurant at Eighth avenue and 50th street, New York. The partnership on the show end will continue, but Dufor will not be interested in the restaurant deal. Rogers, who says he is tired of traveling around the country, will re-light Dempsey's as a popular price eating establishment, after extensive alterations.

Rogers & Dufor are said to have invested \$500,000 in various concessions at the New York World's Fair last year and are still conducting a number of shows in the amusement area this season. In addition, they operate the Rondevoo, one of the most popular third and dine spots in that section. It is the business drawn to the Rondevoo that led Rogers to decide on staying in that field. Estimated that the place at the Fair will gross \$350,000 this season.

Dempsey's is valued at \$950,000. Rogers lease is for 10 years at \$50,000 annual rental. Last week the entire equipment was sold at auction for about \$30,000, original cost being around \$160,000. New enterprise, known as Rogers Corner, Inc., will have entirely new equipment.

QUIZ IN FILM HOUSE, DEMAND PIT MUSIC

Troy, N. Y., Oct. 1.

Troy local of American Federation of Musicians wants seven-piece orchestra to go into Proctor's Saturday night, because a quiz show is held on the stage and recorded for subsequent turntabling over WTRY on Sunday. Union officials take the stand that contestants (drawn from the audience) represent live talent and therefore instrumentalists should be hired. According to one story, the card holders group threatened to picket theatre last Saturday evening, but a continuation of negotiations averted a showdown. The latter will probably come sometime this week. Sponsor of the quiz is an insurance man—a rarity in the local radio advertising field—and the cost of hiring the musicians would fall upon him. It was necessary to engage a union electrician to handle the public address system when the half-hour program started.

The musicians' union was behind the widely publicized, but unsuccessful movement last winter and spring, to bring vaudeville back to Troy. Proctor's was a vaudeville house for years.

Burlesque Reviews

Los Angeles, Oct. 1. Louis Chicco, 38, former harpist-orchestra leader, was slashed to death Monday (30) by a discharged Negro employee at his fluorescent lighting business here.

For years he conducted his own orchestra on the Don Lee Network and was actively employed in picture studios and as a coach.

He recently gave up music for his business career.

STATE, N. Y.

Show proper gets under way with Rockets (house line) swing hoofs falling back into poses as P. Robbins takes center for smooth standard toe-tap routine. Got solid response. Travelers close on ensemble and Caryl Gould, attractive brunet in grey chiton gown, to command to warble 'Down By

Judy Canova with Anne and Zea Eddie Foy, Jr., and Sam Wolf, Os and Taki, Princess Chico (R Kalamatzu), Rita Rio Orch, 'Rang of-Fortune'. (Par).

Judy Canova, fresh from her public film, 'Scatterbrain,' is back the Paramount this week, assisted her brother and sister, Anne

Opening innor goes to Bob Roberson and Virginia Martin, whose sheer energy makes up for what they lack in vocal range. The duo is in vogue after that latest vogue in terseness which has each member engaged in a different branch of dancing while the other sings. The music is a simple rhythm. The girl kicks, whirls and whatnots and the youth beats out a fast tap. For the finish they go across the stage.

Miss Starr, who started with Rudolph and later became Hal Kemp's partner, is a girl who has the necessary thoroughness to work on three popular tunes and collected a big salvo of applause for every one of them. She is a girl who has the ability to sing the Four Lazers, use the successful five minutes to set the pace and then launch the mood for Rudolph and Virginia. The girl has to offer its head-e-podge of acrobatic bits, ranging from three-limb balancing to contortion. The combination is a little thing that goes so fast and funny, it is the type of act that can be home in either theatre, tent or night-club.

Line of gals is the most noticeable angle of improvement in production of the show. They're newcomers and are augmented from the usual 12 to 16. If they keep up the good work of the preem, the Apollo has something. They open in a *Cadillac* la Paix scene and follow in the South Seas creation. Roland Smith warbles with them in both numbers. In both he is handicapped by too poor accompaniment provided by Roy Eldredge's crew, which manages later also to bollax up Billie Holiday's pipework.

In the dance department are two different acts. The Byrne Sisters and Lee Curdy appears to have gotten the most attention yet caught. The three Byrnes girls on twice in a tap buck and a military tapping routine of familiar sign. They are o.k., though especially good. Miss Curdy has acrobatic numbers, the second better than the first.

Miss Comstock, a husky soprano, well enough. Her first includes a pop and a number "Louisiana Purchase." Toward the end she does two other pops, standing are Miss Comstock's sonality and appearance. The evening has a little long Matinee (30), but no doubt well-tightened. Ten-minute intermission broke up the layout. Scale is 30c. matinees (Thursday, Saturday, 50c, 75c and 91c evenings.)

Brighton is an old show house. Keen-booked, which means the summer played several shows Broadway. Edward Goldberg operator.

San Francisco, Sept. 25.
Rochester (Eddie Anderson), Co.
Daley, Paul Kirkland (2), Catheri
Harris, France and LaPell, Peg
O'Neill House Line, Charles Kal
House Orch; 'Dr. Christian Me
Women' (RKO).

Opener, France and LaPell, of their acrobatics on the end of a pole, male half juggling three different sticks while femme partner cavs on near ceiling. Initial pillar has seat bike atop, gal climbing to seat-and-handbar stands, good t of nerve, but otherwise pointless. Center gag hands audience a pole being better than 20 feet i and bending as though about to sr in middle. Dame, to constant acro

Cats and the Fiddle, foursome working on a bass fiddle and a assortment of guitars, score mild. Their jive rhythms are too trite and too broken for easy listening and seem often to be out of hand. Boys, however, are nicely dressed and have strong personalities. Comedy is provided by John

Comedy is provided by John Vigal and John Mason, Apollo rars; and Butterbeans and Susie. Vigal and Mason get in only one shot but it's a topnotcher of this variety and scores handily. B & S are a man-woman team, the male in laugh-getting, super tight-fitting suit which he describes as 'ultra drag'. Most of their comedy is he-she-it stuff. Both shout their lines loudly, however, that it is almost impossible to understand what they saying. Microphones were not meant for people like these. Their mesh better later with comic ter-

Tondeleyo and Lopez make the bestos sizzle with a South Seas dash session. Guy wears merely a napkin size loin cloth, while femme is dressed the same plus a bra with pom-poms on it to add to the effect. It's wild, frenzied & seductive.

Eldredge's band, indulging in the extreme form of jive, looms over a semblance of melody and harmony, making of every number monotonous, ear-beating blare. Usual rhythms are impossible to cipher. Eldredge accompanies on trumpet.

Miss Holiday is entirely unable to get going against this cacophony and too-loud background. A sock-in-such-spots as Cafe Society, N. Y., she scarcely scores here. She does much better with just the back of a piano. Vivian Harris, another Apollo regular, m.c.s smoothly.

EARLE, PHILLY

for Me' (meaning her life with the outfit), then goes into 'Here Comes the Captain,' 'Never-Smile Again' and special parody with Nelson on 'Two Sleepy People.' Finishes as usual with 'Heart Belongs to Daddy' referring again to her husband. Her reference to pic appearances leaves

(Continued on page 62)

B'way Continues Climb; 'Purchase,' \$34,000, 'Hellz,' 31G, 'Hats,' \$29,000, All Big, 'Belinda,' 4G, Cut-Rating

Estimates for Last Week
Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Operetta).

'Boys and Girls Together,' Broadhurst (R-1412; \$4.40). Presented by Ed Wynn who stars; written by him and Pat C. Frick; score by Sammy Fain, Jack Yellen and Irving Kahal; highly touted out of town; opened Tuesday (1), at \$7.70 top.

'Dunbar Was a Lady,' 46th St. (43d week) (M-1,370; \$4.40). Few attractions; not quite up to previous level, but no material decreases; over \$21,000 here; due to move to Royale in two weeks.

'Hallelujahs,' Winter Garden (108th week) (R-1,671; \$3.30). Setting a mark for revues to shoot at; strongest indications for another season's stay; gross quoted at \$31,400.

'Hold On to Your Hats,' Shubert (3d week) (M-1,305; \$4.40). Getting all house will hold; standees in most performances; close to \$29,000; great advance sale.

'Johnny Belinda,' Belasco (2d week) (D-1,000; \$3.30). Using two for ones and other good features; full that word of mouth will help; business light; first full week rated \$4,000, or less.

'Journey to Jerusalem,' National (D-1,022; \$3.30). Presented by the Playwrights; written by Maxwell Anderson; drama with Jesus at age of 12 as a character opens Saturday (5) after previews during week.

'Life With Father,' Empire (47th week) (C-1,095; \$3.30). Little change here; front running comedy commands standee trade all performances; with takings close to \$19,000.

'Louisiana Purchase,' Imperial (18th week) (M-1,450; \$4.40). Tops musical field and list with capacity plus registered right along; over \$34,000 again.

'Man Who Came to Dinner,' Music Box (50th week) (C-1,102; \$3.30). Shaded slightly; doing corking business for show; close to year's run mark; virtually \$16,500.

'Separate Rooms,' Plymouth (27th week) (C-1,107; \$3.30). With agency sales now a factor, run comedy looks set well into fall period; quoted over \$10,500 last week; steadily improving.

'There Shall Be No Night,' Alvin (18th week) (C-1,434; \$3.30). Maintains consistently paying patronage, with gross approaching \$17,000 level; four weeks more, then to road.

'Tobacco Road,' Shubert (282d week) (C-1,110; \$3.30). 'Susannah and the Elders' mentioned for this house soon, but 'Road' may move though still announcing last weeks; recent approximate weekly average \$5,000 slightly less last week.

Return Engagement
'Time of Your Life,' Guild (1st week) (CD-956; \$7.75). Two week date extended to four, with touring start now dated Oct. 21; business of repeater first week quoted at \$10,500; very good at scale; better than expected.

Reval
'Kind Lady,' Playhouse (4th week) (CD-855; \$3.30). Expectations are for continuing, though autumn; quoted over \$11,000 last week; best gross to date and augurs well for revivals.

Added
'Sim Sala Bim,' Morosco (3d week) (939; \$2.75). Despite strong press, attendance has not improved; around \$6,500, hardly enough to keep Dante's magic show going.

Gilbert and Sullivan Repertory
44th St. (1,463-\$2.20). Presented by Joseph S. Daltrey and Herman Levin, opened Monday (30) with 'The Gondoliers'; slated for limited stay, then tours.

'GEO. WASH.', \$6,500 OK IN 4 HUB SHOWS

Boston, Oct. 1.
Three plays here currently offer the customers a good assortment of comedy, and the ticket sellers are not loading. 'George Washington' Here, by Kaufman-Hart, did all right in first four performances last week; and 'Boy's Shop,' by St. John Ervine, got off to an encouraging start at the premiere Saturday (28). 'Life With Father' re-lighted the Repertory yesterday (Monday) for an indefatigable run, and advance sales very healthy. Flora Robson is slated for the Plymouth, Nov. 4; Helen Hayes and Maurice Evans in 'Twelfth Night' come in here on Oct. 21; and 'The Male Animal' is on the November book.

Last week 'George Washington' garnered approximately \$6,500 in four performances, after the review. The new comedy a good bet if perked up in spots.

Repertory Theatre reopened last night (Monday) as 'Carnegie Repertory' with Oscar Serlin presenting Dorothy Gish and Louis Calhern in 'Life With Father.' Governor Leverett Saltonstall made rededication speech.

'Road' \$8,500 in 7th Returns to St. Louis

St. Louis, Oct. 1.
'Tobacco Road,' that hardy perennial, back for the seventh time in two years, closed the first of a two-week stand Saturday (29) with an estimated take of \$8,500 at \$1.50 top. Temperature of 80 degrees crimped b.o. activity opening night, but as the mercury dropped it picked up. Terrific opposition was encountered from the 'St. Louis Cavalcade,' a New York William Morris agency production in the municipal auditorium.

'Road' will have played a total of 11 weeks locally when second week is wound up.

'JUBILEE' TOUR PREEM SET FOR CHI

First stand of the N. Y. World's Fair 'American Jubilee' tour will be Chicago, giant spectacle opening there Nov. 9 at the Stadium. Figured the show can play for 31 weeks without going to the Coast. It will not travel further west than Dallas, according to present plans. To date 12 weeks of bookings have been consummated.

There have been booking problems in several stands where 'Jubilee' will play arenas, which are also used for ice hockey games. It has been necessary to rearrange some hockey schedules to accommodate the spec, claimed to be the largest traveling show unit ever toured, upward of 350 persons being concerned. Since 'Jubilee' is to be under Equity rules, it must play more or less consecutively. Management is required to pay full salaries, whether performances are played or not.

Nicke Holde, who is associated with Albert Johnson in the 'Jubilee' tour and who will be general manager, is devoting part time to handling 'Second Helping' for Walter Bachelor and Monte Proser. He will take the show out of town for tryout and back to Broadway, where it is due at the Hudson Oct. 10, thereafter relinquishing the managerial post.

Legit Actors' Own Cafe

Three legit actors, all supporting players in the Maurice Evans company last season, are opening their own night club next Tuesday night (8). Located above Jack & Frank's Famous Kitchen, in West 45th street near the Martin-Beck theatre, it will be called the Check Room and will be on the informal, intimate line.

Trio, who have decorated the spot themselves and will also do the entertaining, are Izetta Jewel, Jr., Guy Money Penny and George Keane. Miss Jewel will play the piano and sing, and Keane will do sketches. Money Penny, who has played a few dates at Tony's, N. Y., and other niteries, does original risque songs.

Legit Cues

Jack Durant signed for the new Rodgers-Hart show, 'Pat Joey.'

Edith Atwater, femme lead in 'The Man Who Came to Dinner,' makes her debut as a singer at the Monte Carlo niter, N. Y.

Al Goodman, Al Jolson's conductor in 'Hold On to Your Hats,' inadvertently omitted from the credits in Vamur's review of the show last week, has been Jolson's favorite maestro, dating back to 10 years ago when he bated 'Wonder Bar,' the star's last Broadway musical comedy.

Eddie Kaplan, burlesque comedian, has been signed for 'With No Apologies,' with Oscar Serlin-Harry Von Tilzer-J. Fred Coots-Michael Cleary revue slated for production this season.

Current Road Shows

(Week of Sept. 30)

'Big Story'—Maplewood, Maplewood, N. J.

'Boys' Shop'—Copley, Boston.

'Charlotte's Revue' (Name cast, for British war relief)—El Capitan, Hollywood.

'Easy Does It'—Russ Auditorium, San Diego (1-5).

'George Washington Slept Here'—Plymouth, Boston.

'Ladies in Retirement' (Flora Robson)—Harris, Chicago.

'Lady in Waiting' (Gladys George)—Bushnell Auditorium, Hartford, Conn. (5).

'Life With Father' (Lillian Gish)—Blackstone, Chicago.

'Life With Father' (Dorothy Gish)—Civic Repertory, Boston.

'Little Foxes' (Tallulah Bankhead)—Hanna, Cleveland.

'Male Animal' (Elliott Nugent)—Selwyn, Chicago.

'Man Who Came to Dinner' (Clifton Webb)—Cass, Detroit.

'Meet the People'—Music Box, Hollywood.

'Meet the People'—Grand Opera House, Chicago.

'Panama Hat' (Ethel Merman, James Dunn)—Shubert, New Haven (3-5).

'Philadelphia Story' (Katharine Hepburn)—Forrest, Philadelphia.

'Pins and Needles'—Ford's, Baltimore.

'Skyark' (Gertrude Lawrence)—Coronado, Rockford, Ill. (30); Orpheum, Davenport (1); English, Indianapolis (2-5).

'Tobacco Road' (John Barton)—American, St. Louis.

CHORUS GIRLS WIN \$1-A-DAY RULE

Mexico City, Oct. 1.
Local vaude and revue chorus girls have at last won their fight for a minimum daily wage. This pay companies having premeditated runs from \$1 for second-class girls to \$1.50 for experienced girls who bear the brunt of the stares and do specialties. The femmes are satisfied with this pay, for the while. Gals used to get from 50c to 75c. The ordinary local minimum daily wage for workers is 50c.

3D 'FATHER' RINGS UP BIG \$18,300 IN BALTO

Baltimore, Oct. 1.
Legit season here got off with a bang last week, twice bookings of Oscar Serlin's third company of 'Life With Father' into the indie Maryland. Chalking up a third and best visit to date, all three current runs from \$1 for second-class girls to \$1.50 for experienced girls who bear the brunt of the stares and do specialties. The femmes are satisfied with this pay, for the while. Gals used to get from 50c to 75c. The ordinary local minimum daily wage for workers is 50c.

Gert. Lawrence Finds Milw. OK; Pulls 9G

Milwaukee, Oct. 1.
Gertrude Lawrence, a British actress and (triple) worker in England's war relief, had frequently heard of Milwaukee as a German city and wasn't particularly anxious to play here, but she now has changed her opinion of the town. When she arrived here Thursday (28) to open the legit season in 'Skyark' at the Davidson, she found her name up in lights on the City Hall with a big 'Welcome' sign—a distinction generally reserved for visiting ambassadors, official dignitaries and big conventions. Only twice before has stage stars been thus honored—Gertrude Hoffman, a quarter of a century ago, and last season Maurice Evans.

Ten, to emphasize Milwaukee's cordiality, Miss Lawrence was greeted with acclaim by the critics and in her three-day engagement at the 1,500-seat house (\$2.75 top) citizenry turned in a gross estimated at nearly \$9,000.

Addition of Met Opera's 'Faust' Starts Subscription Rampage in Atlanta

'Dinner' Fine \$14,000 In 3d Detroit Week

Detroit, Oct. 1.
Tapering in receipts on 'The Man Who Came to Dinner' has been very slight at the Cass, presaging a six-week run for the season's initial play here. Originally linked in for three weeks, the Clifton Webb-Doris Dalton show has taken approximately \$45,000 in its first three weeks, adding around \$14,000 last week to earlier grosses at \$15,000 and \$16,000. The play will carry up to Oct. 19, according to new plans which will leave only one week until Katharine Hepburn comes in with the first of six scheduled subscription plays, 'Philadelphia Story,' on Oct. 28.

'ANIMAL' JUMPS TO \$13,500 IN CHI

Chicago, Oct. 1.
Lineup of loop shows jumped to an even quartet over the weekend, with four shows coming in from the Coast to take a try at Chicago. On Saturday (29) the Grand re-lighted with 'Meet the People' and last night (Monday) the Harris premed 'Ladies in Retirement' as the first of the season's American Theatre Society subscription shows. Shows in town last week turned in good money sessions, with 'The Male Animal' again gaining ground after its slow opening week. Has now come up into very respectable money and showing healthy profit. At the Blackstone, 'Life With Father,' starring Lillian Gish, remains an outstanding bit of legitimate fare and indicates no slide-off for weeks to come.

Estimates for Last Week
'Life With Father,' Blackstone (32nd week) (1,200; \$2.75). Continues as a brilliant offering and will go on and on. Again approached great \$15,000.
'Male Animal,' Selwyn (3d week) (1,000; \$2.75). Dipped again and now riding \$13,500, which puts it safely in the profits.

Will Rogers

Continued from page 3

ceeds of those tickets will go to the Will Rogers fund. Other tickets, priced at \$1.50, will be good for admission to the Fair grounds, a choice of three out of four possible T2 concessions, and the benefit show. Half the proceeds of the latter tickets will go to the Rogers fund; with the rest to be divided between the Fair, concessions, etc.—New York Hotel Assn. will be asked to have its members sell the \$1.50 tickets.

If the plan goes through, all the money turned over to the Rogers fund will be allocated to whatever charities the Will Rogers Fund commission designates. William Morris, Jr., will be in charge of lining up talent for the show, which will not be subject to Theatre Authority regulations as the proceeds are for theatrical charity purposes. When the entire scheme is outlined, it will be turned over to Will Hays, who will submit it to Mrs. Rogers. Unless she approves it will be dropped.

It had been tentatively planned to have a gigantic outdoor barbecue in the style of those held in the southwest. Gene Autry was to have been asked to take part. However, the restaurant and cafe concessionaires at the Fair raised a squawk at the idea, and it was also found that the expense of having outdoor fire pits here would be prohibitive.

Idea of a Will Rogers Day at the Fair was first broached by the Saturday Evening Post, which this week began serialization of a Will Rogers biography, called 'Uncle Clem's Boy,' by Mrs. Rogers.

Two Rogers Reissues

Hollywood, Oct. 1.

20th-Fox is reissuing two old Will Rogers pictures, 'Sicilianus Round the Bend' and 'In Old Kentucky,' to coincide with the start of Mrs. Rogers' story of her husband's career in the Statepost. Serial will be accompanied by a heavy advertising campaign.

Atlanta, Oct. 1.

Marvin McDonald, manager of annual All-Star Concert Series, tossed a bombshell gimmick into collective laps of cultural Atlanta and, as a result, season tickets to series, staged in 5,500-seat City Auditorium, are already commanding a premium. The come-on that set fire to sale of duets, was news of four-opera dates scaled from \$7 to \$12.50 for season, including Gounod's 'Faust,' to be presented evening of April 29 by Metropolitan Opera Co., which will be here April 28 to May 1.

Impresario McDonald's All-Star Series has always been a sellout, but never before has there been a scramble for season pastebords as this year as soon as word got out that 'Faust' was being thrown in.

Series will get under way Oct. 5 with appearance of All Star Quartette, made up of Josephine Antoinette, coloratura soprano, Kathryn Meisle, contralto, Charles Kullman, tenor, all of Met opera, and Igor Gorin, screen and concert star. Next will be Yehudi Menuhin, addler, on Nov. 22. Third on list is pianist Serge Rachmaninoff, Dec. 9. In No. 4 spot, Jan. 18, will be Jussi Bjorling, lyric tenor of Met, to be followed on Feb. 26 by baritone Lawrence Tibbett. St. Louis Symphony Orchestra will be next to closing March 25, with Vladimir Golschmann, conductor, and Rosslyn Turek, piano soloist. Then comes the piece de resistance, 'Faust,' on April 29.

Also under McDonald's management is Atlanta Music Club's Membership Series, to be presented in club's 750-seat auditorium, with season tickets selling for \$5 and \$3. Attractions listed in this series are:

Kerstin Thorborg, mezzo soprano, Oct. 29; Roland Gundry, violinist, Dec. 3; Luboshutz and Neimeno, duo pianists, Jan. 21; Kolisch String Quartette, Feb. 4; and six evening programs by outstanding local artists.

All-in-all, the fall, winter and spring season is going to fairly drip with cultural music for Atlanta. The All-Star Concert Series, plus the curtailed opera season, revived last year after a 10-year layoff during the depression, gives the choral socialites and music lovers a chance to, respectively, (1) dress formally and seeing in the flesh outstanding artists.

This year the Georgia Federation of Music Clubs is entering concert booking field and is bringing Alec Templeton, blind pianist, here for concert Nov. 25 at City Auditorium. Mrs. John B. Gurrey, of Atlanta, is prez of Georgia Federation.

6 Legit and Film Houses Seek N.Y. Tax Reduction

Six legit and film houses filed their annual squawks in the N. Y. supreme court, Monday (30), seeking reductions of assessments paid by theaters by the Tax Commission. Writs of certiorari were issued in each case calling on the commission to justify its assessment.

Total assessments for the six were \$1,266,000, with the defendants seeking reductions of \$348,000 claiming actual value of their property to be \$730,000.

The theatres are the Martin Beck, assessed at \$600,000 and seeking a reduction to \$400,000; the Houston Theatre Corp., of Hudson street, assessed at \$125,000 and seeking a reduction to \$80,000; Grenville Theatre Corp., 97 Greenwich avenue, assessed at \$150,000 and seeking a reduction to \$100,000; Ausonia Amus. Corp., assessed at \$54,000 and seeking a reduction to \$25,000; Yost Photoplay Co., 385 Third avenue, assessed at \$92,000 and seeking a reduction to \$45,000; and the 44th St. Amus. Corp., located at 1580 Broadway, assessed at \$245,000 and seeking a reduction to \$100,000.

Engagements

Jeanne Wardley, 'Man Who Came to Dinner' (Southern road company), Dorothea Eller, 'Second Helping,' Phyllis Brooks, 'Panama Hat,' Marguerite Namura, 'Night of Love,' Halls Stoddard, Morris Carnovsky, Lois Hall, 'Susannah and the Elders,' Rex Ingram, Ethel Waters, Todd Duncan, Arthur Wilson, 'Cabin in the Sky.'

Boston Opera House Up For Sale By Shuberts; Market, Garage Bidding

Boston, Oct. 1. Local Shubert offices, under manager A. Gordon Munro, released a starter last week. The Boston Opera House, which the Shuberts have owned since 1918, has been put in the hands of Cabot, Cabot & Forbes, Boston real estate brokers, for sale or rent, renovated to suit the tenant.

It has been reported that both a national super market chain and a large bus company have made offers. The first would convert what is still one of the finest opera houses in the country into a market. The second firm would make it a garage or bus terminal.

F. Murray Forbes, of the real estate firm, has been handling the deal, and being a music lover, immediately got in touch with the officers of the George Robert White Fund (established for cultural and artistic uses of the city). Though no formal proposal has yet been made to the fund, its manager, ex-congressman Joseph F. O'Connell, said that the house would be eligible for assistance from the fund. Possibly a local campaign is in the offing which will 'save the opera house.'

The opera house was erected in 1909 by Eben D. Jordan, son of the founder of Jordan, Marsh Co., local department store. He also backed the productions for five seasons. In 1914 the Boston Opera Company went to Paris. Declaration of war broke up the company and Jordan returned to Boston, saying that there was little hope for further opera in Boston. In 1916 Jordan sold the opera house to a group headed by J. Sumner Draper, Mark Temple Dowling and J. Murray Howe, who in turn sold it two years later to Lee and J. J. Shubert. From 1916 until the present day, the house has been used for everything from WPA rehearsals and variety shows to opera.

The Shuberts have carried the house at loss for several years now, claiming that the rentals charged attractions did not offset the \$10,000 taxes.

Kaufman-Hart Comedy Seen as B'way's 1st Straight Show Click

What is expected to be the first straight show, click of Broadway's new season is George S. Kaufman and Moss Hart's 'George Washington Slept Here,' a laugh show which has been compared to their 'You Can't Take It With You' by some who saw the new play out of town. Sam H. Harris will present it at the Lyceum, N. Y., Monday (7), house having recently been purchased by the showmen and others. Interior has been completely refurbished.

When 'Slept' opened at Hartford, first audience reaction was not optimistic, but when it arrived in New Haven early last week deletions had much improved the performance. Play opened in Boston Thursday (26). Hub reviewers conceding the show's comedy strength though critical otherwise. Since then new material has been inserted.

'Washington' will be Broadway's fourth straight play so far, third being 'Journey to Jerusalem,' which opens at the National Saturday (5). First play, 'Jupiter Laughs,' stopped at the Biltmore Saturday (28). Second is 'Johnny Belinda,' which opened doubtfully and showed little improvement at the Belasco last week, its second.

This week's top premiere, 'Boys and Girls Together,' brought Ed Wynn back to Broadway yesterday (Tuesday) at the Broadhurst. This musical was highly regarded out of town.

Next week will also see the debut of the anticipated novelty, 'It Happens on Ice,' at the Center. Sole name performer is Joe Cook, but not on skates. Cook joins the parade of favorite comics back on Broadway.

Reinhardt's Bard Playhouse

Hollywood, Oct. 1. Max Reinhardt moved into the Ben Bard Playhouse today (Tues.) to continue his school of dramatic training. Bard has retired from the teaching business.

BARRYMORE RETURN TO 'CHILDREN' UNDECIDED

Whether John Barrymore will appear in pictures or return to 'My Dear Children' for the road is still undecided. Richard Aldrich and Richard Myers, producers of 'Children,' were informed early this week in New York that the California court in which Barrymore filed in bankruptcy will not make a decision on his status until next Wednesday (9). Decision was to have been handed down last Friday (28). It's up to the court to decide which activity would be more beneficial to the creditors.

The rift between the 'Profile' and Elaine Barrie, his wife, is quite definite as indicated by his filing for divorce last week, according to information given the managers. He continues to brood in his 'castle' in Beverly Hills.

Barrymore is under contract for this season to Aldrich and Myers. Latter have been offered plenty of road bookings for 'Children' and a tour would likely be a cleanup. Star, however, proposes to appear in one or more pictures on the Coast and pay a part of his earnings to the managers as liquidated damages. Exact sum they will claim has not been determined and payments may be spread over a period during which he would make two or three films.

N.Y. Dailies Will Give Legit Ads Better Display

Following a strong protest from managers, editors of the New York dailies have ordered the position of the legit show ad list be spotted to more advantage. For some years Broadway legit ads have been carried in directory form, space per show usually being from 10 to 14 lines, minimum being six lines. Because of the form of the directory, full face type is not employed and the extra space used for films and other amusements has tended to submerge the legit ads.

It is claimed that shows spend a higher percentage of the gross than other amusements in newspaper advertising. This particularly applies to the low grossers, whose ad bills are apt to run 15% of the weekly takings. James F. Reilly, secretary of the League of New York Theatres, wrote various editors, a sample print last being, 'I know you are personally acquainted with and enjoy the friendship of legitimate theatre managers and producers. Your paper must regard the legitimate theatre as having considerable reader interest, as well as cultural value, because you employ dramatic critic at what I imagine is a substantial salary and you carry a Broadway column.'

'With that in mind, I cannot understand the disgraceful (I can think of no fatter word) treatment the advertising for the legitimate theatre receives. The situation has been difficult to bear for a long time, but since the motion picture theatre through a new policy of advertising receive inducements either in the form of volume discounts or the like, it is practically unendurable.'

'Morality Clause' May Be Pemberton's '40 1st

Brook Pemberton's first new play this season will probably be 'Morality Clause,' a comedy by Florence Ryerson and Colin Clements, Hollywood writers, and man and wife. Couple have arrived from the Coast for script revisions, being made at the suggestion of the producer. Pemberton is still paying royalties on a Lincoln drama, 'Death Mr. President,' which was a production possibility last season. Script is in finished form, but he has not yet found the right actor to play the title part.

ACTORS FUND'S RIVIERA BENEFIT YIELDS \$7,000

The Dan Frohman-Actors Fund of America testimonial supper Sunday night (29) at Ben Marden's Riviera, roadhouse near New York, netted the fund some \$7,000. Between 600 and 700 tickets at \$15 a head for a de luxe dinner (including wines) meant around \$10,000 per ticket for benefit of the Actors Fund.

An all-star galaxy of talent turned out in honor of Frohman's 89th birthday.

ATS DROPOUTS BURN WASH. CRITICS

Washington, Oct. 1. Despite as hectic a beginning as Capital has undergone in years, first week of 1940-41 legit season found 'New Fines and Needles' drawing smart opening night crowd and ending up Saturday (28) with approximately \$12,500 in the till. National, town's only legit, is dark this week and next, with blame being placed upon the Theatre Guild in a row that's getting bigger every minute.

Ruckus, which culminated yesterday (30) with unanimous broadside by all local critics, is result of Guild's announcing and then cancelling of three shows within as many weeks. Trouble started when Guild sent word that 'The Fifth Column,' due Sept. 30 as second show on National's schedule and starter of local American Theatre Society subscription series, was out. Following day came word that Helen Hayes-Maurice Evans in 'Twelfth Night,' expected here in pre-Broadway engagement, instead would go straight into New York. Cancelling of 'Fifth Column' left ATS series due to begin Oct. 7 with 'Time of Your Life.' Sunday (30) a wire from Joe Heidt, Guild p.a., to critics announced that 'Life' also was cancelled 'due to tremendous public demand' for show to continue in New York. That was the last straw and critics, who had been trying to defend Guild, pulled out all stops.

Jay Carmody, Evening Star, who had gone to N. Y. and secured Guild's side of the Hayes-Evans situation, cited 'Time of Your Life' cancellation with such phrases as 'carries the fragrance of a real estate deal' and 'the customers can curse themselves for being foolish enough to take the Guild's word for anything.'

As substitutes for the above, Guild has announced 'Suzanna and the Elders' for the week of Oct. 14 and 'Ladies in Retirement' for week of Oct. 21.

Ted Sills' Bkptcy.

Ted Sileo, known as Ted Sills, a writer and director of theatrical entertainment, unemployed, filed a voluntary petition of bankruptcy in N. Y. federal court on Monday (30), listing \$100 in assets and liabilities of \$3,335. In 1938 Sileo earned \$7,000 and in 1939, \$4,000.

Among creditors are Anne Nichols of Los Angeles, \$400 on a loan; Jeremiah Berlowitz, \$450; Sam E. Neikrug, \$500; Jimmy Kemper, \$200; Charles Cantor, \$300; Carl Eastman, \$185; Lew White, \$175; and Mildred Manning \$50, all of N. Y., and all loans.

\$6,000,000 Mexican National Theatre Is Agam Sinking in Soggy Soil

Mexico City, Oct. 1. Engineers have again been assigned by the Mexican government to do something to prevent the alarming and progressive physical sinking of its Palace of Fine Arts (National Theatre) here, which is 30 years in building at a cost of \$6,000,000. As the Palace is on a section of the city over the broad lake the conquering Spaniards filled in when they reconstructed the town after destroying most of it in 1521, the terrain is soggy, which protects the pile from earthquakes, but which makes it sink deeper and deeper.

The Palace had sunk so much in 1928 after 18 years of building that surrounding streets had to be low-

Stormy Equity Meeting Goes On Record Against Subversive Groups; Asks Dies Probe of Communism

MAX BAER JOINS EQUITY; NOW HE'S 100% PRO

Before he went to the Coast to visit his wife and child, taking along \$30,000 received for knocking out Pat Comiskey in less than a round in Jersey City last Thursday (28), Max Baer joined Equity, a requirement necessary before he could sign a contract to appear in the Alex Aarons-Ritchie musical 'Hi Ya Gentlemen.' The former heavyweight champ had been a member of the Screen Actors Guild.

Baer revealed in the fact that he is to become an actor, in fact he laughingly told Ritchie: 'I'm just a ham, anyway.' He was loquacious about his ring experiences, the Joe Louis fight in particular. That was the time he was counted out in the fourth round while resting on one knee. The man who is a boxing clown, but can hit as hard as any fighter when he wants to, admitted he deliberately quit to Louis because 'I didn't want my brains knocked out.'

Lawyer's Illness Delays Possible Code Changes

Although there is a hiatus in negotiations pointed towards changes in the ticket code, League of New York Theatres is going ahead as though all brokers had signed assent to the regulations for another season. Agencies are being policed again, but no detection of recent violations are known.

Disaffection of William S. Hyman, new counsel for the agencies, has caused the delay. Attorney had a shoulder operation and left the city to recuperate, being due back late this week. Hyman inferred that the League was putting the squeeze on the agencies during negotiations in an effort to collect from those delinquent in the payment of the 3c. ticket levy. Brokers insist they are broke and unable to put it on the line at this time.

Because of Hyman's absence, the status of further restraint proceedings against License Commissioner Paul Moss and police commissioner Lewis J. Valentine is also indefinite. Brokers say that upon his return an application for trial will be filed and a date set for the hearings. In some quarters it is believed that the chances of the brokers were dimmed by the opinion of Justice J. Sidney Bernstein, who denied a writ, disagreeing on all points argued by Hyman. Agency people see it differently, saying the court placed theatre tickets in the category of staple articles, whereas they are a luxury.

Equity has gone on record as being opposed to Communism and refuses charges that it is controlled or dominated by alleged Reds in the council. At Friday's quarterly meeting in New York Friday (27) a resolution against Communists, and the declaration that no Red, Nazi or Fascist shall hold office or be employed by Equity, was carried by a large majority. That includes any member who sympathizes with persons advocating totalitarian principles.

The meeting again asked that the charges of Representative William P. Lambertson that certain councilors are Communist sympathizers or actually Reds be investigated by the Dies Committee. That was in the form of an amendment to the original resolution and the arguments which preceded its adoption were charged with high excitement. Bert Lytell, in the chair, told the well attended gathering that Equity had been placed in an unenviable position before Congress as a result of the Lambertson charges. 'You've got to choose sides now so that we can clean house.'

A special council session was held Friday afternoon (27), meeting consuming five hours. Topic was the Lambertson situation and all the matter which he inserted into the Congressional Record was read aloud, that taking four hours. Question whether the congressman should be given Equity's mailing list cropped up again. Winifred Lenihan favoring that move. It was defeated by a narrow margin. Lambertson proposed to bombard the membership with literature supporting his charges.

Day previous, the Kansan had cleared Alan Hewitt, one of the six councilors he named. He is quoted as saying: 'Hewitt denies any association with the Theatre Arts Committee (which he declares is tied up with Communism and which was originally the Theatre Alliance, radical group which was within WPA's Federal Theatre Project) and I am inclined to believe him. I therefore offer my apology for having included him in that membership.' It was a back-handed withdrawal, however, for he said he believed that Hewitt had allowed himself to be made use of by Communists. Lambertson also placed in the Record letters from councilors Philip Loeb, Hiram S. Sherman, Sam Jaffe, and Emily Marsh, denying any affiliation with Communists, also a denial from (Continued on page 60)

'Beverly Hills' Will Set Production, Rehearsal Record of Two Weeks

Fastest production period and shortest rehearsal time pertain to 'Beverly Hills,' which went into rehearsal Monday (30) and opens at Maplewood, N. J., in two weeks (Oct. 14). Under Equity rules straight plays are allowed four weeks 'free' rehearsals accompanied by pay of \$20 weekly after the fifth day, but most attractions use one week less. Musical shows are allowed five weeks for rehearsals.

'Hills' will be the first show in which Lawrence Schwab has been interested since early last season. He has teamed up with Otto L. Preminger on the managerial end, Aldrich & Myers notably concerned with the play as previously reported. Hill's is the work of Lynn Starling and Howard J. Greene, cast being headed by Helen Claire, Dorothy Hall, Ika Chase, Enid Markey and William Kelly. Miss Hall was unable to start rehearsals, having a swollen ankle as the result of being knocked down by a large dog.

Maplewood, which fared excellently during the summer with stock and several of last season's successes with original casts aimed for the road, appears to be favored by Broadway managers as a tryout spot. Currently the house has Gilbert Miller's debut attraction this season, 'The Big Story,' well regarded in script form. Schwab-Preminger play is slated for a number of previews in New York prior to debut.

Broadway

James Proctor press agent for Yiddish Art Theatre.

Lester Santly adding another room to his house at Atlantic Beach.

Catherine Johnson back this week to join Chic and Helga.

Jake Lubin made his first visit since June to his office at Loew's early this week.

John Mason Brown, drama critic of the Post, being booked for lectures on "Broadway in Review."

George (Lefty) Miller starting celebrating his 25th wedding anniversary last week. Still celebrating.

Henry Hull's youngsters, Son, Shelley, stage manager of "Second Hallelujah" due at Hudson Oct. 10.

George Roth, assistant to Harry Goetz, announced engagement last week to Vivian Anderson, non-pro.

Harry Schomer "dinner party in honor of recently arrived grandchildren at Cafe Loyale last Friday (27)."

Andy Fleming, who silently backs independent theatre operation in the east, has developed a hobby of canning peaches.

Agent Bill Dozier due in New York from the Coast around Oct. 15 for a look at the plays and other new material.

Mrs. Rufus Le Maire and Mrs. Edith Simons will be the guests of Mrs. Buddy B. Sylvie for the "Panama Hattie" premiere.

Carl Erbe merely pining the new Miami Beach spot in behalf of Monte Froese, and is not in for a piece thereof, as previously reported.

Joe Bernhard, Warner's general theatre operator, made a member of the advisory committee of the New Jersey Defense Council by Gov. Moore.

Otto Bolle, 20th-Fox manager for South Africa, in U. S. for homeoffice huddles, has gone to Detroit for vacation and visit to friends there. He formerly headquartered in Detroit.

Joe Shea, of United Artists exploitation department, and officials of Interstate Theatres, Texas, received gold cigarette sign Monday (30) from Samuel Goldwyn for work on "Western" opening.

Bob Milford will be company manager of "Hiya Gentlemen, the Alex. Aaronson, who is in for a musical that will have Max Baer in the cast.

Harvey D. Gibson sent out formal notices to press for the success of the "Fair," carrying seal of the World's Fair convention.

Cafe Society Uptown, new 57th street branch of the Greenwich Village niter, which debuts next Tuesday (8), will have a "Columbia Room" on the second floor exclusively for use of Fourth Estates, equipped with typewriters, copypaper, phones and a buzzer for a waiter.

Officers of the Warner club for the coming year, chosen at annual meeting of the board of governors, include Nat D. Lee, president; Martin Bennett, Bernard Goodman, Harry Mayer, F. L. Gates, v.p.s.; Robert Salomons, treasurer; Sam Wolowitz, assistant treasurer, and Stuart H. Arons, secretary.

New Haven

By Harold M. Bone

Arena Sunday vaude a heavy click. Burt Shevelove again directs Yale Dramatic Assn.

New Haven Symphony Orch scheduled a full season of concerts. Bill Reininger, pianist, in for another slice of one-day (Saturday) vaude.

Boyd Smith back at Yale drama school, post-aster a summer at his Maine farm.

Convention of New England Magicians' Clubs brought 250 hocus-focusers here.

Nate Rubin is flirting with a return date at hosp due to lingering effects of injury.

Shubert has preem of "Second Helping" set for Oct. 7 and "Pins and Needles" comes in Oct. 10-12.

Ruth Gordon, Thornton Wilder and Elsa Lanchester (Mrs. Charles Laughton) in for a look at "George Washington Slept Here."

Channing Pollock slated to attend performance of "The Enemy," given by local Blackfriars' Guild Oct. 26.

Walter Pritchard Eaton is gathering-in covers a group of radio scripts written by his studies at Yale drama school.

Pittsburgh

By Hal Cohen

At Mercur looking for a downtown location for his suburban "Nut House."

Mother of Harvey Boyle sports editor of Post-Gazette, died last week at 80.

M-G exploiter Charlie Baron's pike won two ribbons in a local dog show.

Singer Billy Leech and his missus are listening to the flap of stork's wings.

John Maganotti has joined Carlo Pugliese in the management of the Riviera.

Sam Hanauer, Beaver Falls exhibitor, injured in a fall while inspecting his new theatre.

Gray Carpenter, son of the Brad-

dock exhibitor, with Civic theatre in Portland, Me.

The Johnny Joneses (he's ye olde tyne dance impresario) celebrating 37 years of marriage.

Warners screened "Knute Rockne" for Jock Sutherland and his Brooklyn Dodgers over weekend.

Oscar Levant flew in from New York few days ago to spend some time with his ailing mother.

Jack Kallish has quit Billy Yates' band for a single spot at Kenmar hotel in New Kensington.

Jimmy Balmer flew down to New Orleans to help get "Locapades" started north again. It's due here in November.

Frances Burke, Miss America of 1940, making personals at The Gardens this week in connection with Roller Derby.

Jerry Kuriz, Libby Holman's accompanist last season in "Burlesque," back home to finish Course at Carnegie Tech drama school.

George King's wife, Helen Honan, stage midget, unable to accompany band leader here. She's in New York recuperating from an operation.

B'way Upeat

Continued from page 1

the number of tickets for hits than is allotted them.

The incoming march of musicals is proceeding on schedule, while straight plays lag, reasons ascribed being either a lack of production money or scarcity of scripts. If it is the former, there should be a spurt during the fall period, what with the nearness of a satisfactory agreement between Hollywood and Broadway which will again find picture money financing legit production.

Jolson's \$30,000 Advance

That the surge of patronage to the theatres is no fluke is clearly indicated by the advance sales. (Al Jolson) has played only three weeks, the advance sale of tickets is well over \$30,000. Biggest advance is for "Louisiana Purchase," the count being more than \$50,000. It has earned back its production outlay of approximately \$90,000. Among the straight plays, "Life With Father" has an advance of \$15,000, which is considered phenomenal for a show during its second season.

Seven \$4.00 Musicals

The number of musicals with a \$4.00 top price is one of the season's most interesting developments. There will be at least seven shows at that scale on the list. Currently the four-forties are "Boys and Girls Together" (Ed Wynn), which opened at the Broadhurst yesterday (Tuesday), "Du Barry Was a Lady," "Hats" and "Purchase." Others similarly scaled due in are "Panama Hattie," "Your Pal Joey" and "Hiya Gentlemen."

Last spring Broadway could not support half that many high-scaled musicals, two ("Higher and Higher" and "Keep Off the Grass") suspending. It was evident that the shows were not good enough, however, for "Higher" tried to resume, and folded quickly, while "Grass" never commanded real business and disappeared completely. Despite those dives, "Purchase" came along and has been the top grosser since the start.

Reports from the road are on the upgrade also. Although few attractions are touring, attendance is excellent, and that indicates that money being expended for defense is flowing. It had been predicted that the vast spending for preparedness would benefit Broadway.

Lockridges

Continued from page 1

would be better if more melodramatic and proceeded to take out the light humor. However, it was fired out at Skowhegan during the summer and as soon as Davis saw it on the boards he realized he had made a mistake. His desire now is to do it over with the comedy touches of the book.

Harris, who has specialized in meller mysteries, also saw the show at Skowhegan and it was after that that he obtained the option, through the Brandt & Brandt agency.

Davis can hold up Harris' plans under stipulations in the minimum basic agreement between the "Dramatists Guild and the producers by which the author must give his approval of any script changes and the casting. There's a provision, however, that the producer can demand arbitration if he thinks the author is being unreasonable in withholding his approval. When the arbitration takes place, Davis of course, will have an opportunity to state his side. Result of the arbitration no doubt will determine the fate of the play.

Hollywood

Gregg Toland laid up with flu. Joseph Schenck in the east.

Frank Capra vacationing in Oregon.

Jack Benny motored in from Chicago.

Donald Crisp back from an Alaskan cruise.

Ricardo Cortez taking time off for the World Series.

Terry Howard east to open 20-week vaude tour.

S. Sylvan Simon checked in after a Honolulu siesta.

Hedy Lamarr granted a divorce from Gene Markey.

J. J. Nolan back to work after a Connecticut vacation.

John Barrymore filed suit for divorce from Elaine Barrie.

Karl Esmond changed his screen name to Charles Raymond.

John Cohn trained in from New York to ogle new product.

Sam Hellman vacationing from his writing job at Metro.

Test Car shifted from the Metro publicity staff to Paramount.

Arthur Horman to Montreal to script a Canadian production.

Robert Montgomery lat up with flu while RKO shot around him.

Jon Hall and Frances Langford go east in two weeks for a stage tour.

Dave Warner limping on a sprained ankle, the result of a studio fall.

Nat Pendleton heading east for stage appearances after seven years at the movies.

Sam Goldwyn back from New York where he took care of legal questions.

Edwina Small returned from a business and play-ogling trip to New York.

Ann Pennington doing a dance sequence in "The Bad Man From Rio" at Universal.

Mervyn Leroy back from Broadway, where he ogle stage plays as possible screen material.

Charles Grapewin plans his first trip to Manhattan in 18 years when he finishes his current film job next week.

Four oldtime names, Maurice Costello, Wynne Gibson, Rosemary Theby and Allen Luther, are playing in "Tin Pan Alley" at 20th-Fox.

Gunnar Norberg, former New York and Chicago mag editor, has become publicity rep for the Carmel Playhouse, operated by Edward G. Kuster. Spot offers occasional legit productions, second-run domestic pictures and foreign imports.

St. Louis

By Sam X. Hurst

Stanley Schirmer appointed technical director of the St. Louis Little theatre.

Virginia Haskins, localite, will sing role of Nanette in "Falstaff" with Chicago Opera Co.

The Drive-In theatre at DesPeres, Mo., only one in this state, will continue operation until Nov. 15.

Phil Spitznagel and his all-female orch decided for a week stand at F&M's Missouri starting Friday (11).

Lou Wolfson and Clem Ward back from New York after producing "St. Louis Cavalcade" for local fire laddies.

Twelve spectators injured, four seriously, when two motorcycles racing at the East Side Motor Speedway near East St. Louis, crashed through a fence.

Francis Kaimann, associated with his brother Clarence in the operation of a string of St. Louis nudges, wed to Garnet Kasal. Honeymooning on the Coast.

An inventory of the estate of the late Alex. Papend, talker house owner, showed a valuation of \$34,936 when filed in Probate Court. The entire estate was bequeathed to his widow, Josephine.

John Guthrie, Oklahoma rodeo promoter, and Don Abbot, 19, a cowboy, injured during performances of "St. Louis Cavalcade" at Municipal Auditorium. Guthrie suffered a sprained knee when he fell beneath horse and Abbot was dragged by his horse.

Minneapolis

By Les Rees

Laurel and Hardy and their revue into the Orpheum Friday (4).

John J. Friedl, Minnesota Amus. Co. president, in Chicago on product deal.

Elynor Faley defeated A. Selby Carr for Paramount exchange tennis championship.

Morning Tribune has eliminated film and stage show reviews, excepting legit stage attractions.

Nickey Goldhammer, RKO district manager, closed 100,000 deal with Central States (Black) circuit in Iowa.

Gang to toss party Oct. 25 for Ben Ashe, former Berger circuit general manager, and indie leader who's moving to Everett, Wash.

Bob LaPiner, Minnesota Amus. Co. executive, after laying off song-writing staff, has come back with "Told You a Lie" and "Gophers On Parade."

Literati

King Features Denies

Report that the verdict recently won in N. Y. supreme court by Mrs. Myrtle Segar, widow of the creator of the "Popeye" comic strip, against King Features syndicate would amount to \$200,000 is denied by attorneys for the defendant, who assert that the figure to be decided by an accounting will probably total not more than \$5,000. Fanny Holtzmann, attorney for the plaintiff, estimates that the \$200,000 amount may prove as correct.

According to the Hearst (King Features) attorneys, no injunction was granted by Supreme Court Justice J. Sidney Bernstein, who denied Mrs. Segar's contention that she should be held the owner of the copyright to the Timbilee Theatre film cartoon and entitled to all republication, picture, radio, toy, stage and other subsidiary rights in the cartoon or its characters. He ruled that under the contract made by Segar and King Features, the former's right to be paid money terminated at his death, except as to a part of income received after his death on contracts made by the syndicate before that time on the final contract.

Havas' Pay Wrangle

Additional severance pay is being asked by the New York Newspaper Guild for three of its employees of the Manhattan office of the Havas (French) news service fired June 23. All of the American staffers were dismissed at that time, the agency carrying on since the capitulation of France to Hitler with several French employees. They have instructions to continue as best they can until the future of the outfit, which ranked high among the major news services of the world, can be determined.

With release of sufficient French funds in this country by President Roosevelt a few weeks ago, all the dismissed staffers were tendered the severance pay called for in an oral agreement made in 1938 between Havas and the Guild. Three of the employees, Harold Isaacs, Frank Dorsey and Willard R. Espy, claim they served longer than Havas has offered to pay them for. Coin has been put in escrow until the dispute is settled. Gustave B. Garfield is attorney for Havas and Joseph Goodwin for the Guild in the matter.

Libel Suit Dismissed

Libel suit for \$100,000 brought against The Milwaukee Journal by former Milwaukee Mayor Daniel W. Hoan, Socialist, was dismissed by Judge Otto H. Breidenbach in circuit court. Trial of the case was held in June when a jury returned a \$20,000 verdict against the newspaper, but this was set aside by the court on the ground that the jury's answers to questions were not sustained by the evidence.

Hoan based his suit on a Journal interview with Mayor F. A. Leighton of Sheboygan Falls, Wis., Hoan contending that Leighton was quoted as holding him (Hoan) "to blame" for a series of bombings here in 1935.

Dick Spang's Post-Grad

Dick Spang, who banged out a 1,500-odd word column in the Evening News, Harrisburg, Pa., and was the local Yawny nudge, has given up the plush of local theatre seats as well as his reporter's trick on the News for a desk at Columbia University. Only man in history of News' squeamish copy desk to sneak word "vlept" into type, Spang will take to the books in the hope of emerging next year with an M.S. in Journalism.

Heir to Spang's theatre column and VARIETY mugging is Robert Wistrand, also on the News staff.

Dismiss Libel Suit by N.Y. News

New York Supreme Court Justice Lloyd Chorch last week dismissed a \$100,000 action against the News Syndicate Co., Inc., publisher of the N. Y. Daily News, by Robert Redwing, Indian film producer. Action sought damages for alleged libel.

Redwing charged that in the Oct. 7, 1939 issue of the News, he was accused of being a bogus Indian chief. Action was dismissed for failure to prosecute.

Anthology of 'Fun'

Robert Benchley and Justin Herman, who are associated in the series of short comedies Paramount is currently making, are among the authors represented in a new anthology of humor, called "All in Fun," published by Macbride. It includes examples of humorous writings of all

countries from the times of Dickens to the present.

Benchley is starred in the short films, which Herman has scripted.

Rumanian's Press Curb

The Rumanian government's anti-Semitic drive has reached the press, with a new government order forbidding Rumanian Jews to work for foreign newspapers or press services.

The edict affects three veteran Rumanian newspapermen, one of whom is Eugen Kovacs, correspondent for 14 years of the New York Times and for 10 years VARIETY's correspondent in Bucharest. Order goes into effect immediately.

The others whom the decree throws out of jobs are Alex. Coler, Associated Press correspondent in Bucharest for 20 years, and Liviu Artemie, International News Service rep.

Innocence Denied

New and lurid titles on old and very innocent stories was what lay behind Mayor LaGuardia's wrath last week in ordering the arrest of Julius Stolz, head of Interborough News Co., N. Y., for distributing a mag called Man to Man.

Material in the publication included stuff by Robert Benchley, James Thurber, Stanley Walker, Leonard Hall and other name writers. All of it was five to 10 years old, having appeared originally in such standard mags as the New Yorker. Benchley's story appeared also in a book.

Man to Man, according to Benchley, switched titles on the pieces to indicate a lot more than actually was in them.

'5th Column Stories'

The attendant publicity accompanying the fifth columnist movement has resulted in the publication of a new time pulp mag by the Munsey company out of New York.

Called Fifth Column Stories, edited by John E. Davis, it contains such fiction in its first issue out this week as "Wake Up America," subtitled "The serpent is ready to strike."

LITERATI OBITS

Gama Gilbert, 34, staff writer for the music department of the New York Times and formerly engaged in similar work for the N. Y. Evening Post and the Philadelphia Record, died Sept. 24 in New York after a long illness. Burial was in Philadelphia. Widow and mother survive.

He had been a violinist with a concert string quartet before going in for music criticism.

W. W. Holland, for years business manager and part owner of the Spartanburg (S. C.) Herald and the Spartanburg Journal, died Sept. 25 at his home in Spartanburg of gas asphyxiation.

James Douglas, 73, former editor of the London Sunday Express and The London Star, died Sept. 26 at his home in Devon, England. A victim of bronchial trouble, his widow survives. He celebrated his golden wedding anniversary.

Thomas J. Casady, 39, for 12 years a reporter for the N. Y. Daily News, died Sept. 28 at his home in New York. A native of Boston, he started as a reporter with the Boston American, later worked for trade papers and was once managing editor of the Newark (N. J.) Ledger. He was v.p. of the New York unit of the American Newspaper Guild at the time of his death. Widow and mother survive.

Mrs. Stanley A. Halla, 27, society editor of the Montclair (N.J.) Times, was fatally injured Sept. 29 when the automobile in which she was riding struck a tree in Caldwell, N. J.

Courtney Blyle Cooper, 53, author, magazine contributor and one time circus agent, died Sept. 29 by hanging in a New York hotel room. Mrs. Cooper ascribed his act to failure of the FBI to consider his recent findings on Mexican fifth column activities.

John Paul Lucas, Sr., former editor of the Winston-Salem (N.C.) Journal and Charlotte (N.C.) Evening Chronicle, died Sept. 28 after illness of several months.

CHATTER

Ed Olmstead sold his story, "No Jingo" to Collier's.

Hugh Wiley, the author, remarried his wife in Carson City, Nev., Sept. 28 eight days after she divorced him.

Van Wyck Mason moonshining in Canada. Returns to his Maryland

(Continued on page 63)

OBITUARIES

MARGUERITE CLARK

Marguerite Clark, 53, former star of the stage and screen, died of pneumonia at the LeRoy Sanatorium in New York, Sept. 25, following a five-day illness caused by a cerebral hemorrhage. She halted her shortly after marrying Harry Palmerston Williams, wealthy Louisiana lumberman and aviation enthusiast, in 1918.

Miss Clark, who created the original 'Snow White' role on the stage and screen, was credited by Walt Disney with having furnished the inspiration for his famous cartoon feature. Small in stature and weighing less than 100 pounds, she specialized in elfin, fairy-like roles.

She was born in Avondale, a suburb of Cincinnati, and after attending a convent and gaining some experience in amateur dramatics, Miss Clark made her pro stage debut in 1899 with a stock opera company in Baltimore. She started with De W. Hopper, 'Polly' Mr. Pickwick and 'Wang'. Signed by Winthrop Ames, she appeared under his aegis in 'Snow White', 'Prunella' and 'Anatol' with John Barrymore. Miss Clark also scored successes in Shubert musicals and several William A. Brady productions.

Starting her film career with Adolph Zukor's Famous Players Co. in 1915, she became a big boxoffice attraction scarcely two years later. Among her many films were 'The Gossamer Girl', 'The Seven Sisters', 'Mary Roberts Rinehart's 'Bab' stories, 'Morals of Marcus', 'The Crucible', 'Two Men and a Girl' and dozens of others. Later, starring for Paramount, she was seen opposite such leading men as Conway Tearle, Richard Barthelmess and Thomas Meighan.

Her husband was killed in an airplane accident in 1936 and she had lived for the past three years in New York with Cora Clark, her sister and only close surviving relative. Funeral services, attended by more than 200 persons, were held last Saturday (28) in New York. Lucy Monroe, featured in 'American Jubilee' at the N. Y. World's Fair, and Mary Lane, former musical comedy star, sang hymns. Those attending included Hugh S. Wilson, ambassador to Germany, a cousin, Richard Barthelmess, George Jean Nathan, Jessie Wynne and Camilla Dahlberg, both the latter having appeared with Miss Clark on the stage.

Contributing floral pieces were Adolph Zukor, Mary Pickford, Mary Boland, John Drew, Eddie Rickenbacker, Ivy Troutman and Melvin Ott, of the New York Giants, who was brought to the big leagues by Miss Clark's late husband. Following the services, the body was removed to the Ferncliff Crematory, Ardsley, N. Y. The ashes will be later placed in the family mausoleum in New Orleans, next to those of her husband.

SERGE DE TUCHICH

Serge De Tuchich, 57, Croatian actor, playwright and since the World War American correspondent for Yugoslav newspapers, died Sept. 25 after a long illness at his home in Sunnyside, L. I.

De Tuchich's ability as a dramatist first evidenced itself in 1896 when his play, 'Truly Dom', was highly praised by critics and audiences throughout the Balkans. Translated into other Slavic languages, it was widely produced and no doubt its prestige was largely responsible for De Tuchich's appointment as first director of the Bulgarian National Theatre by King Ferdinand in 1904.

Another play, 'The Librarians', was produced by George Bernard Shaw and H. Wickham Stead in London during the World War. De Tuchich passed most of the war in the British capital, where he wrote a history of the Balkans and also served as professor of Slavonic Languages at King's College, London.

Numbered among his other plays were 'Golgotha', 'The Precipice', 'A Legend', 'Drago Jovanovich', with whom he lived, survives.

WILLIAM F. BYRNE

William F. 'Billy' Byrne, 71, veteran Omaha theatre man, who began as a call boy in the early '80s and later became one of the best known house managers for the Orpheum circuit, died Sept. 23 of a heart attack in a hospital in his home town of Omaha.

As a boy Byrne worked in all of the old legitimate houses around Omaha and knew many stage notable personally. Quit the legitimate fr. 1898 when he resigned at

the Boyd to become treasurer of the new Orpheum theatre. He later became manager and when the new Orpheum was opened in 1928, he returned to manage for two months, then went to Chicago. Five years ago he retired.

Oldtimers still tell of his physical prowess and courage. Familiar story is how he tamed a lion and later how he quieted a panicky crowd at the old Grand Opera House here in the '90s when a ceiling beam broke. Survivors are two daughters, three sisters, two brothers.

HORACE J. HAINE

Horace J. Haine, 72, former grand opera tenor who later acted and produced for the stage and screen, died Sept. 26 in a N. Y. hospital, where he had been a patient for three weeks.

Born in Detroit, he was a graduate of the University of Brussels, Belgium. After singing with the Metropolitan Opera in the early '90s, he joined the Casino Theatre Co., where for seven years he served as actor, stage manager and producer of comic opera at the old Casino on Broadway. Subsequently, he became stage manager for the Shuberts and at one time appeared in musical comedy with Agnes Booth, Lillian Russell and Marie Dressler.

In the early days of motion picture Haine migrated to Ft. Lee, N. J., where the majority of the pioneer companies maintained studios. Films in which he appeared featured such stars as Fatty Arbuckle, Kitty Gordon and Eugene O'Brien. Haine was also concerned in the production of Douglas Fairbanks' 'Black Pirate'.

Widow, Maude LeRoy Haine, a former actress, survives.

BETTY HILDEBRANDT

Betty Hildebrandt, 32, executive secretary to Hal Horne, v.p. and eastern representative of Walt Disney, died Sunday (29) in New York. She had been out of the office for about a week for an appendicitis operation, death resulting from complications which followed.

Employed by Disney for the past five years, Miss Hildebrandt was familiarly known in the trade as 'Butch'. She had returned only about four weeks ago from her first visit to the Coast, where she spent her vacation.

Disney's New York office will be closed this morning (Wednesday) for the funeral services. Body will be cremated.

ALVIN D. MORTON

Alvin D. Morton, 61, former theatrical manager and director, who left the stage in 1915 to enter the real estate business, died Sept. 24 at his home in New York.

Born in Windham, Me., he prepared for a career in medicine, but after graduating succumbed to the lure of the theatre. An associate of Daniel Frohman and the Shuberts, he added in staging and managing such productions as 'The Kiss Waltz', 'The Chocolate Soldier' and 'Fluffy Ruffles'.

He leaves his widow, Mrs. Mabel Morton; a daughter, Mrs. Edward Rodriguez, and a son, Franklin.

WALTER GALE

Walter Gale, 85, retired tramp character performer who originated the tramp role in 'The Old Homestead' with Denman Thompson, died Sept. 25 in the Kings County hospital, Brooklyn, N. Y. He suffered a stroke two days before his death.

Though born in England, Gale had lived in America since 15. A character actor most of his life, he had appeared in vaudeville and held parts in many Klav & Erlanger productions. His widow, Annie, survives.

SAM WALSH

Sam Walsh, 40, former piano accompanist for Beatrice Lillie and latterly for Sheila Barrett, died suddenly of heart trouble in the Hotel Devon, N. Y., last Friday (27). A veteran in the business, he arranged all the mimic's material. This now leaves Miss Barrett in an emergency spot due to her opening Friday (4) at the Club Versailles, N. Y.

His mother survives. She was notified at her home in Bridgeton, Me.

JOHN H. WITHNELL

John H. Withnell, 75, charter member of the International Alliance of Theatrical Stage Employees, died in Omaha recently. His family once owned the site of the present Orpheum theatre, in

downtown Omaha. He worked shows in the almost-forgotten Academy, Grand and Fifteenth Street theatres, Omaha.

Survivors are three daughters and three sons.

FRANCIS J. McNEARY

Francis J. McNeary, 81, who with his brother, John, operated 'Uhr's Cave, light opera summer garden in St. Louis, died of infirmities recently. Death releases owners of the site in which the famous Cave was located from an agreement made at the time of sale in 1930, by which McNeary and his wife, jointly, were to receive \$500 monthly as long as either lived.

Mrs. McNeary, the former Gertrude Lodge, contralto, was killed in an auto accident in 1937.

EARL HURD

Earl Hurd, 60, pioneer animator and inventor of the first camera in motion picture animation, died in Burbank, Cal., Saturday (28).

He produced the 'Bobby Bumps' film-cartoon 25 years ago and devised the Bray-Hurd process for animated cartooning, now in use in all studios. For past six years he'd been with Walt Disney, with whom he started drawing on Kansas City newspapers. Leaves widow and son.

C. W. CRACRAFT

C. W. Cracraft, 60, Covington, Ky., publicist and advertising man, for Mark Shows, died Friday (27) in an accident 25 miles east of Lynchburg.

Widow is in Lynchburg General (Continued on page 63)

MARRIAGES

Sandra Jolley to Forrest Tucker, Yuma, Ariz., Sept. 26. Bride is chorine; he's a film actor.

Patricia Leistikow to Al Scalpone, Sept. 14 in Los Angeles. He writes the commercials for Young & Rubicam Coast radio shows.

Binnie Barnes to Mike Frankovich, in Hollywood, Sept. 28. Bride is screen player; he's a sports radio announcer.

Red Hodges, announcer at WNLC, Norfolk, Conn., to Dorothy Prescott of Savannah, Ga., Sept. 26 in New London.

Winifred Bergen, ex-Powers model, to Murray Lewis, June 23, in Brooklyn, N. Y. He's a socialite cafe photographer.

Mrs. Betty Kerr Owen to Matthew N. Goodman, Youngstown, O., Sept. 25. Goodman is Brooklyn and New York theatre really owner.

Elsie McDonald to Jack Parsons, in Moose Jaw, Sask., Sept. 23. He was formerly assistant manager of the Capitol theatre, Regina, Sask., but now with Royal Canadian Air Force.

Edith Head, film fashion designer, to Virad Ihnen, 20th-Fox art designer, Sept. 8, in Las Vegas.

BIRTHS

Mr. and Mrs. Dalton Trumbo, son, in Hollywood, Sept. 24. Father is screen writer and novelist.

Mr. and Mrs. Owen Vinson, daughter, in Chicago, Sept. 21. Father is radio producer; mother is radio writer.

Mr. and Mrs. Phil Hanna, daughter, in San Francisco, Aug. 18. Father is member of NBC's Three Cheers.

Mr. and Mrs. Johnny Weismuller, son, in San Francisco, Aug. 23. Father is the swimmer and film player.

Mr. and Mrs. Rex Lease, son, in Hollywood, Sept. 27. Father is cowboy film actor.

Mr. and Mrs. Mickey Marigold, daughter, in Glendale, Cal., Sept. 21. Father is a still cameraman at Warners.

Mr. and Mrs. Glean Heisch, daughter, Sept. 24, in Hollywood. Father is program director at KFI-KECA, Los Angeles.

Mr. and Mrs. Ray Livesay, daughter, Sept. 24, in Tuscola, Ill. Father is on sales staff of WDZ, Tuscola.

Mr. and Mrs. Garold Morey, son, Sept. 21 in New London, Conn. Father's manager of WNLC.

Mr. and Mrs. Frank Stewart, daughter, in San Antonio, Sept. 19. Father is announcer at KTSB, San Antonio.

Mr. and Mrs. Charles Metzgar, son, in Hollywood, Sept. 29. Grandfather is on sales staff of National Pictures production head.

Mr. and Mrs. Clem Beauchamp, daughter, in Los Angeles, Sept. 28. Father is on-RKO production staff.

Mr. and Mrs. William P. Buckner, Jr., son in New York, Sept. 29. Mother is Adelaide Moffett, socialite songstress.

House Reviews

Continued from page 57

LYRIC, INDPLS.

the audience vague; there were probably very few who remembered her two flicker showings.

'Band is typical of the dance stand variety, with a tendency to stylize arrangements that would set it apart from other musical units. Opens with 'Johnson Rag', and during the show has spots to show off on 'Man Comes Around', etc., with imitations of other bands. 'God Bless America' and 'One O'Clock Jump' for finish. Band looks and sounds best on novelty numbers.

Don Cummings gets a lot of chuckles with his gags and stories while he toys with a rope. Has nice personality and sells well. He finally tricks to prove he didn't come out to tie down the microphone.

Three Toppers do some muscle work on top of a vertical pole. Bar and Stone get their way through the routine called 'Cavalcade of the Dance', during which they demonstrate various styles of tap dancing which have been popular through the years.

Show lacks a sock which could have been injected by stepping up the tempo and the presentation of new song novelties by featured performers.

Big fair at third show Friday (27).

KEITH'S BOSTON

Boston, Sept. 28.

Winters Sisters (3), Bob Easton and Ondee Odette with Doris Kaye, Major Bowes' Graduate Unit: Four Harmonica Esquires, Stuart Sisters (2), Jack Murray, Lynn Lawrence, Harry Robinson, Jean Clark, Shubby Kaye, O'Brien Trio, Golden Rigoleto Trio, Larry Flint House Orch; 'Ride Tenderfoot Ride' (Rep) and 'Missing People' (Mono).

Two RKO acts and a Bowes unit add up to a fair stage bill. Bowes' acts are not generally rated highly in this town, so they're rare sights here. This unit has been appearing around with the 'graduate' title for some time, but current lineup has some new faces.

Setup is typical, with singers, hoofers and impersonators. O'Brien and Goldberg are outtoppers, building up to a big reception for their radio ribs and a hoofing challenge finish that makes for a demand for more. Rigoleto Trio, smooth colored singers, are a delight, though wasting their time and voices on a paraphrase of Rigoleto Quartet for an intro. A pleasing, jazzy interpretation of a spiritual, 'Are You Well', is heard in the second act. Harmonies and stage presence, but at least one swing tune would enhance their routine.

Jack Murray, offering okay impersonations, vocally, 'name bands, got a strong hand. Heidt, Tommy Dorsey and Lombardo among the best. Jean Clark, bird mimic, got light attention here when she duplicated the bird call and her routine with comic interpolations of traffic cop whistle imitations from various cities.

Shubby Kaye, a m.c., wisely cutting his gags to a minimum; then in his own spot, does well in a vocal arrangement of Hollywood-impersonations. Harry Robinson, introduced as a 75-year-old former vaudeville act, adds interest with buck dancing. Stuart Sisters, on rollerskates, click in a short number climaxed by a neck-to-neck whirl; Harmonica Esquires, in 'Bumble Bee' and 'Flight of Bumble Bee' and Lynn Lawrence swings vocally on a Bonnie Baker melody and 'I'm an American'.

Winters Sisters, opening, start things off with an acrobatic flash. Well-routined and snappily costumed, they finish off with a one-and-a-half double twist off the floor by one of the girls.

Sex in a baby carriage is the opening theme of Bob Easton, decent, and his midiget partner, Ondee Odette, Midiget dressed as a boy baby with cracker. Doris Kaye, a straight woman. Miss Odette comes on later for a vocal about 'I Can Do Anything a Tall Girl Can'.

TOWER, K. C.

Kansas City, Sept. 28.

Dusty Roades march with Helen Nash, Kenny Switzer, Henry Cassella, Emory Hammer, Lester Harding, Jerry Dunn, House Line; 'Tear Gas Squad' (WB).

Dusty Roades is not of the ilk of the bigger names, but he has a band which has something of a following in this town. He's in here after a summer at the Broadmoor, Colorado Springs, where he was aired via CBS. Style of the band is grooved for the hotel and dance trade and has a few rough spots in a stage presentation. While the music is good, the list of the past of the show is lagging, and the past minutes could better be filled with a

few odd ends picked up all along the line.

Band is overlooking a possibility in using too many old favorites. Such tunes as 'Chinatown', 'Twelfth Street Rag' and 'Dark Town Strutters Ball' are always reliable but have a tendency to drag the band in the eyes of the patron who takes a hand at composing now and then and the few novelty tunes worked into the show point it up somewhat.

Lester Harding, regular Tower m.c., and the house line, along with winner Jerry Dunn, round out the show. Harding rings out a neat melody of 'Sympathy', 'Ginania Mia' and 'Donkey Serenade' midway and the line has a modernistic number near opening and a novelty in which they draw on blackboards near closing. Dunn uses a midiget radio as a means of getting off his impersonations of famous acts of the day.

The Roades' organization opens with 'Indiana' in live style and quickly turns to Kenny Switzer for a specialty trumpet piece on 'Blueberry Hill', following which he vocals choros and encores with 'Sierra Sue'. The leader has his crew lined up as a vocal chorus for a novelty bit on 'Twelfth Street Rag' and also later on 'Dark Town'. In the way of specialties, Johnny Cassella, drummer, brings some new harmonic work on 'Roades' own piece, 'Johnny, Harmonica King'. The featured quartet composed of Miss Nash and three band men also in a RKOesque modernistic number, 'Brown', besides a rhythmic arrangement of 'Chinatown'. In her own right Miss Nash solos on 'I Don't Want to Cry Anymore', which is definitely not her type, and on 'Nobody's Baby, This is For Me'.

'Don't Blame Me', all of which she gets across. Leader takes an inning on 'Old Fashioned Love' and leads 'Turkish Towel', his own novelty tune. This is a little less successful, more or less as the sweet and low type better suited to the hotels and clubs and needs perking a bit for the stage. Quin.

EMBASSY, N. Y.

(NEWSREELS)

Politics, preparedness and the annual American Legion convention crowd out actual pictures this week. However, two clips, one with a war background, are among the top interest-getters. One is Paramount's 'exclusive' of 'Fred Irons', a talk being given by the speaker for the first time. It's solid human interest matter. Other is Pathe's library treatment of torpedoing of British boat bearing refugee children, which is a little less successful murder on the high seas. It is an outspoken newsreel editorial.

Par and Pathe handle the Legion convention in Boston, former showing street scenes as well as J. Edgar Hoover's talk to assembled delegates. Excellent photographic work by both reels. Poll in the lobby showed Roosevelt leading Wilkie, but audiences Thursday night were distinctly lukewarm.

Partisan followers of the two nominees may object to the amount of footage on Wilkie, but, seemingly, there was nothing the Embassy editors could do about it. G.O. propaganda was vying for equal spots in the week's coverage while Roosevelt made but one talk. Wilkie's reception was impressive in all spots covered by Par, which says the Roosevelt campaign is being run on a Penn degree. Reel handles the Republican candidate's trip in Texas and California, the cheering crowds in Los Angeles. The latter says the Democrats discounted this by saying that crowds in September don't mean votes in November) and the huge turnout in San Francisco.

Fox offers a presentation of the front. Fox takes in the army's fastest plane, News of Day shows volunteers swamping army recruiting posts. Universal has the N. Y. Coast Guard cutter, the 'C. G. 2', and the Colt plant turning out machine guns. Last reel also depicts model planes being tested. U. S. Army officer gives his observations of Nazi operations on the ground (Pathe) indicating that he thought the British could hold their own. Fox covers the gratitude speech by a British admiral for the destroyers loaned from U. S. to Great Britain.

Preparedness parade in Mexico, with closeups of rioting groups, is given next treatment by Par.

Amount covers two football games, showing the Boston College victory over Centre and then the pro contest between the Washington Redskins and N. Y. Giants.

Fox offers a view of England's king and queen inspecting the effects of bombing on Buckingham Palace, residential district. News of Day presents methodical coverage of the trial of the bomber with a talk by child's mother featured.

Two shorts fill out the hour's running time. 'Stranger Than Fiction' and 'Farlor Buckroos' (Going Places series), both Universal. Wear.

WHAT THEY THINK

Not Columbia Records
Bridgeport, Conn.

Editor, VARIETY:

In the issue dated Sept. 25, VARIETY carries a story headed "Opera Cranks Pick Flaws in 'Discs'." An excerpt from that story reads: "When the sets were announced it was declared that they had been recorded in May and June by Victor and Columbia."

That statement is most untrue. Columbia has absolutely no connection with the "National Committee for Music Appreciation." Columbia did not make the recordings. Columbia studios were not used to make the recordings; nor did Columbia press the records.

The story later says "criticism has been directed at the 'surface' of the recordings—which becomes tiny and metallic when played several times." Naturally, with the extremely high standard of quality which we are now enjoying on our recordings—Columbia Masterworks—we hardly relish being tied in erroneously with such a statement.

I feel sure that VARIETY will want to correct the error as soon as possible.

Patrick Dolan

(Director of Sales Promotion).

Carroll and Miss Crothers

New York

Editor, VARIETY:

In your issue today (Sept. 25) appeared an article concerning Paul Vincent Carroll's play, "The Old Foolishness," which is quite at variance with facts.

On behalf of Mr. Carroll, whom I represent, I negotiated the contract for its production with John Golden, Miss Rachel Crothers to direct it. Mr. Carroll is being tied in erroneously with such a statement. I feel sure that VARIETY will want to correct the error as soon as possible.

Richard J. Madden

Rental Library's Stance

Chicago

Editor, VARIETY:

Re: Authors Mull More Royalties—Page 60, issue Sept. 25, 1940.

Are the authors trying to kill the goose that lays the golden eggs? Morris Ernst thinks he should collect royalties from rental libraries (about \$5,000) throughout the country.

In the first place, how many of these make a living from book rentals only? I venture to say not 5%; they usually are in combination with other business.

Secondly, who would buy the junk that the majority of these authors write if it were not for the rental libraries?

People have no space and will not clutter their shelves, nor pay from \$2 up for a book that they consider only worth an evening's reading for possibly 10c.

If it were not for the rental libraries, the publishers would not risk printing most of the books that get to the public. The public libraries do not buy this material—they wouldn't spoil their shelves with such trash. It's the rental libraries that provide the money and the outlet for these mongrels.

How many people do you think could afford to pay the original \$3 for "Gone with the Wind"? It's the rental libraries that helped put it across as they do a lot of tommyrot that would never see daylight.

Some authors get money for the serialization of their stuff, and then royalties when the book is published. Have you considered that?

Clearly some of these so-called writers should be thankful that there are such things as rental libraries which spend good money to put them before the public.

Modern Rental Library.

A Plea for Culture

New York

Editor, VARIETY:

Two years ago I attended what was called a "Cultural Arts Symposium." The students of Washington High School presented the program which presented free of charge such guests as Jean Rosenthal, Helen Claire, Bramwell Fletcher, Ezra Stone, Robert Rice, Hiram Sherman and Jean Muir to an audience of

students and teachers (from other schools and colleges—later found out) who were interested in the theatre as a culture, profession, or simply as entertainment.

The speakers ran the gamut of subjects, from finding a producer who has a play to cast to producing itself, later answering questions posed by the audience. Unusual in quality, the program drifted away from advice talks to brief pictures of what the professional theatre was about, what made it up, who ran it, what the "rackets" were; it had punch without glamour.

Wadleigh gave a second symposium but no signs of a hard act in evidence yet. Building up the theatre as a living art and expression it's important to get to us, the youth, who will eventually try to reshape the structure, get to us when we'll listen eager to put a foot in the right step. If the schools lie down on the job, does the theatre have to blunder, too?

Valerie Leigh Hunt.

Yeah, Man

Chicago

Editor, VARIETY:

I may be nuts, but while looking over the Chicago Tribune amusement page this morning I was impressed by the fact that "What's wrong with the movies?" might be answered by the "Extra Large Mixing Bowl" giveaway which is being billed above the feature!

Al Mitchell.

Helen Morgan

Continued from page 1

final call, but she had already started south by car. On her arrival in Richmond, she was told she would have to pose for press pictures, grant interviews and do a radio broadcast the day of the show. Miss Morgan did these and asked for her salary, but Cole told her it would be forthcoming before the show.

Scheduled to go on as closer of the first-half, Miss Morgan refused unless she was paid. She wasn't, but Cole told her the coin would be there for the last half. Miss Morgan said okay—that's when she would sing. During the intermission, however, Cole left and Miss Morgan didn't see him again that night, or the next day when she left for New York, minus around \$120 in expenses for the two-way trip.

Miss Morgan states the show was advertised in the Richmond dailies as "under the auspices of the Ku Klux Klan." No uniforms were in attendance in the audience of 400, the Klan regalia being barred by Virginia law. She wasn't given any intimation of Cole's official status with the KKK, although he came up to N. Y. originally to contact the Morris office for Miss Morgan's services. The agency had no intimation of the KKK figuring in the matter until Wednesday morning, when Miss Morgan was already on her way to Richmond.

Rest-of-the-talent were all "small" acts booked by Cole in Baltimore. Some of the teams and trios were supposed to get as little as \$15 and \$25, plus paying their own expenses, but, from what Miss Morgan could hear backstage, it didn't appear as though anybody was being paid.

When questioned over the phone by Henry about the KKK's hand in the matter, Cole stated that the KKK had 11,000 members in the Richmond area. He wasn't around the following night for questioning as to why only 400 showed up.

Literati

Continued from page 61

home to begin new book in January.

Max Miller writing a volume tagged "God Takes Care of Reno." Dodd-Mead will publish in the Spring.

Oliver St. John Gogarty has finished first part of a three-part novel, "Mad Grandeur," for publication by Lippincott in the spring. Hal Matson agent.

John Jennings, who wrote "Next to Valour," best-seller last year, has just completed for MacMillan "Call the New World," historical work on Monroe Doctrine.

Clarence Budington Kelland, despite active work for Republican National Committee, has found time to turn out a serial to start in Woman's Home Companion shortly.

Ray Sprigle, dispatched to London as war correspondent by the "Pitts-

burgh Post-Gazette last summer, has quit England and is on his way back to resume regular reportorial berth on P-G.

Frank Gervasi, foreign affairs writer for Collier's and former movie correspondent for INS, is writing an autobiography for spring publication by Doubleday. He's now in Canada doing a piece for Collier's.

Richard Llewellyn, who wrote the best-selling "How Green Is My Valley," is finishing another novel despite his duties in the British Army. It's expected by his American publishers in a couple of months.

Eighteen radio, press and military well knowns are scheduled to speak before the Overseas Press Conference today (Wednesday) at the N. Y. World's Fair Assembly Hall. Overseas Press Club of America is sponsoring.

Hal Allen Smith, feature writer on N. Y. World-Telegram, has signed with Doubleday, Doran to write an autobiographical volume. People he has interviewed and things he has seen as a reporter. It's to be in the light, kidding vein of his W-T pieces.

Obituaries

Continued from page 62

hospital suffering from shock and minor cuts and bruises received in the mishap, believed to have resulted from a blowout.

JULES BURNSTINE

Jules Burnstine, 70, one-time general manager of Pathe, died in Hollywood Sunday (29).

Starting in film biz as salesman, he later became branch manager and then Pathe exec. In 1918 he turned to production and made pictures for the State right market.

ERNEST A. STATT

Ernest A. Statt (Hurl-Falls), 61, died at the Will Rogers hospital, Saranac Lake, N. Y., Sept. 21. Born in Philadelphia he was a leading acrobat of bigtime vaudeville days.

Interment in Saranac Lake, N. Y.

LOUIS H. HODGES

Louis H. Hodges, veteran vaudeville, burlesque and musical comedy performer, died Sept. 26 at St. Luke's hospital, N. Y., where he had been a week's patient.

A member of the act known as the Four Musical Hodgeys, he will be buried in Lodi, N. J., under auspices of the Actors' Fund of America.

GLADYS M. CARR

Gladys M. Carr, 50, stage and screen actress, died Sept. 26 in Hollywood.

Miss Carr began her film career with the old Vitaphone company and played in several pictures with John Barrymore.

VERNON WALLACE

Vernon Wallace, formerly of the vaudeville act of Powers and Wallace, died at the Will Rogers hospital, Saranac Lake, N. Y., Sept. 22.

Interment at Prosperity, S. C.

BLANCHE CRAIG

Blanche Craig, 74, former stage and screen actress, died Sept. 23 in Hollywood.

She retired in 1931.

Fred J. Lazell, 72, veteran editor, who served 14 years on the University of Iowa journalism faculty, died at a nursing home in Des Moines Sept. 23. Prof. Lazell established the Iowa Journalist and continued as editor through its enlargement in 1929 to The Iowa Publisher.

Mother, 77, of Harry Kalmine, zone manager for WB in Pittsburgh district, died at her home in Philadelphia last Friday (27) after long illness. Besides the showman, she leaves two other and three daughters.

Audrey Van Dusen, 38, secretary in the Metro casting office, died Sept. 27, in Los Angeles, following an emergency operation for peritonitis. She had been with the studio five years.

Hartwell Green Reeder, 62, stage property director of El Capitan theatre, Hollywood, died there Sept. 24. He had been a stage worker for 45 years.

Mother, 82, of J. P. McGowan, executive secretary of Screen Directors Guild, died Sept. 27 in Sydney, Australia.

George A. Wickboldt, 70, well-known theatre musician in Milwaukee, died Sept. 23 at his home there.

Football

By Dick Fishell

(WHN, N. Y., Sports Commentator)

Cornell-Colgate

Colgate is starting to perk, having a loose-limbed halfback named Indian Geyer ready to turn loose. Far above Cayuga's waters they tout this Cornell team as the best of the decade. Colgate may not beat Cornell, but Cornell can beat itself.

N. Y. U.-Lafayette

Lafayette's a power in its own class but stepping out of that category to meet Violets. That means a two-touchdown victory for N. Y. U.

Penn. State-Bucknell

Bucknell plays rock and sock football with fair material while the Nittany Lions are predominantly a junior team, geared for their best. State should outclass Bucknell.

Syracuse-Northwestern

The big Orange team has some classy backs, the forward wall is

year, or else. They've been hit by scholastic difficulties and Marquette is well seasoned, so we look for the latter to upset the dope.

Minnesota-Nebraska

The Gophers knocked down Washington though outplayed. Nebraska will be a tougher nut to crack as it'll be well manned at every post and has a gent by the name of Rohig, one of the fastest triple threats in the land. Here's another underdog that will topple Minnesota.

Tennessee-Duke

Duke has lost gorgeous George MacAfee and two stellar ends. Tennessee's biggest diploma loss was George Catefo, but it's sounder than Duke and the game is being played at Knoxville, so Tennessee has the shade.

Tulane-Auburn

Auburn is no pushover, but the Green Wave should bounce back

Probable Football Winners And Proper Odds

GAME	WINNER	ODDS
Cornell-Colgate	Cornell	4-1
N. Y. U.-Lafayette	N. Y. U.	3-1
Temple-Georgetown	Georgetown	8-5
Penn.-Maryland	Penn.	4-1
Pittsburgh-Missouri	Pitt	Even
Penn. State-Bucknell	Penn. State	3-1
Princeton-Vanderbilt	Princeton	2-1
Syracuse-Northwestern	Northwestern	11-5
Duke-Tennessee	Tennessee	Even
Tulane-Auburn	Tulane	2-1
Holy Cross-L. S. U.	L. S. U.	5-7
Ohio State-Purdue	Ohio State	4-1
Minnesota-Nebraska	Nebraska	5-8
Michigan-Michigan State	Michigan	5-1
Wisconsin-Marquette	Marquette	1-2
T. C. U.-Arkansas	T. C. U.	3-1
California-St. Mary's	St. Mary's	6-5
UCLA-Santa Clara	UCLA	7-5
U. S. C.-Oregon State	Oregon State	5-8
Stanford-Oregon	Stanford	12-5
Texas-Indiana	Texas	5-8

green and might not be ready for a Big Ten contender. The Wildcats are headed by Bill deCorrevont, who has been proven mortal, making everybody happier. Northwestern, with dandy ball toters but a mediocre line, should have enough to top the easterners.

Temple-Georgetown

Temple is under a new system of play and will take it some time to absorb it. Georgetown is a veteran group with a splendid defensive record and is now ready to shoot the works. Watch Georgetown all fall; it should start well this weekend.

Pennsylvania-Maryland

Maryland is just another football team while the Red and Blue has enough timber to make this one of its best machines. Frank Reagan and Wexler are two hipslings pacing the Pennsylvania attack.

Princeton-Vanderbilt

Vandy is in the Ivy League of the south and comes north, under a new coach, with mediocre talent. Princeton's loaded and should display one of the foremost passing games in the east. Dave Allerdice is underrated, but he'll throw Princeton to a victory in this one and many more to follow.

Pittsburgh-Missouri

Here's a tossup battle. Pitt is not as bad as it looked against Ohio State last Saturday. The Missouri Tiger has lost an entire line and its four outstanding pass catchers. It still has a few players but his one-man show will be overshadowed by a snarling Pitt Panther trying to come back.

Michigan-Michigan State

Tommy Harmon is the difference between any two football teams. His scoring threat from any point of the field gives Michigan a big edge over State.

Indiana-Texas

Indiana is the favorite here, based on a veteran gang. However, the underdog in this case is a real dark horse that might be one of the wonder teams of the nation. Jack Crain will give Texas just the edge it needs.

Ohio State-Purdue

Purdue has no Boilermaker worthy of the name. The Buckeyes will breeze merrily on their way.

Wisconsin-Marquette

The Wisconsin Badgers are definite favorites because this must be their

from its opening defeat and win this one.

L.S.U.-Holy Cross

The Crusaders rate slight favorites but go into the lair of the L.S.U. Bengals with a depleted squad. L. S. U. has the manpower and it's only a matter of coordinating. Looks like a victory for the south.

Texas Christian-Arkansas

T.C.U. is on the way back to the top.

U.C.L.A.-Santa Clara

Santa Clara is not ready while the Uclans should break Jack Robinson loose to get the verdict.

California-St. Mary's

Cal. looks like it's in the doldrums, with no exit signs. St. Mary's has a couple of exclusive backs who can carry the mail; they should make the difference for the Gaels.

U.S.C.-Oregon State

Southern Cal. had a bad beginning and now faces a formidable foe that's been pointing for the Trojans for a solid year. Here's another underdog that goes to town, as Oregon State whips Southern California.

Stanford-Oregon

Oregon hasn't been getting the stuff while Stanford always attracts goodlooking prospects. A Stanford win.

Bills Next Week

Continued from page 55

London Club House	Huck's Redford Inn
Jane Churchill	Mac McGraw Ore
Ruby Ore	Club Royale
Mar-Jo	Alan Carney
Ray Patterson	3 Randall Sis
Ray Carlin Ore	Betty Atkinson
Moreno	Geo. Johnson Ore
Elna Castle	Proston Lambert
Giga Anton	Johnny Burkhardt O
Dale & Kaye	San Diego
Will Henderson Ore	Madelyn Baker
Neholo's	Kay Lasalle
Di Giovanni	Ray Johnson Ore
Jack & Polly	Leslie Normin
Ryck & Kaye	George Frennell
Play	Al Alexander Ore
Daniel Dew	Verna's
Leonard Seal Ore	Boyce & Boyce
Northwood Inn	Duke
George & Joann	Gaylord Sis
Bob Schaffer	Yarnette (4)
Jack Spot	Harry Collet Ore
Sammy Hart Ore	Whittier Hotel
Falm Beach	Room (Cap Room)
Bobby Jones	Londoners
Carlos Vento	Wander Bar
Don Lee Dale	Padro Dinar (U)
Patry Marr	8 Laplaya Danc
George Brown	Garnes Advel
Clinton Wells	Senor R. Romera

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AND HIS BAND

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GLEN ISLAND CASINO

—stretching 18 weeks to 21; first band in Glen Island history to be held over beyond first week in September!

Held Over

NEW YORK STRAND

—for a third week, through Oct. 17th; heading for a big \$45,000 his first week!

Opening

MEADOWBROOK

—for Frank Dailey, Oct. 22nd; NBC & MBS!

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SCREEN

RADIO

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STAGE

OCT 9 '40 A

VARIETY

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VOL. 140 NO. 5

NEW YORK, WEDNESDAY, OCTOBER 9, 1940

PRICE 25 CENTS

SHOWDOWN ON 'RED' ACTORS

Boy and Girl Scouts May Benefit Financially From Broadway Show

An American youth stage musical, for the benefit of the Boy and Girl Scouts of America, and possibly enlisting young talent from the Scouts movement itself, is an idea Irving Berlin is planning for Broadway. It's a switch on the proposal to make his song, "God Bless America," into a musical, after his last week's junket to Hollywood. Metro officials convinced him that a film with young talent may be okay, but the idea of a patriotic picture, even though built around his best-selling song, is likely not to prove boxoffice.

This resulted in the switch from the screen medium to the stage, as and when it happens, all to the exclusive benefit of the Scouts, who now own "God Bless America" 100%.

On the subject of patriotic stage shows, the proposed revival of Berlin's "Yip Yip Yaphank" for conscription camps recalls that the musical netted \$80,000 for the soldiers at Camp Upton, L. I., from its four weeks' run on Broadway (two at the now defunct Century Roof and two

(Continued on page 18)

Radio Faces Tough Job in News Pickup From the Far East

NBC and Columbia figure that they will have ample coverage in the Far East in the event news interest shifts strongly to that part of the world, but the networks are not so sure about getting the right technical breaks. Reception from the Far East is still pretty much of an in-and-out affair. An added impediment is the facilities control factor. In Japan, China and Indo-China all transmitters are government-owned.

As for staffs in the Orient only NBC has a full-time reporter on its payroll. Two months ago it sent over Joan Livingston, employed for four years in the home office, to make her headquarters in Shanghai. Scope of her coverage has included Nanking and Chungking. In Tokyo NBC's commentator needs are filled by Newton Edgars, who is on the staff of the Japan Advertiser, an

(Continued on page 53)

WORLD'S SERIES CLICKO FROM ADMEN'S VIEW

Gillette Razor has come in for the best break that the radio underwriter of a baseball World Series has had to date. It has obtained the full benefit of seven games, while only having to pay the Mutual stations for eight hours. Playing time of a game is usually two hours.

Last year, when Gillette was also the sponsor, the series ran but four games.

'The Kid' in Person

Hollywood, Oct. 8. Jackie Coogan signed up for a 15-week stage tour, which opened yesterday (Mon) in Vancouver and takes in Seattle, Portland, Spokane, Salt Lake City and midwest points. Former moppet star was turned down when he applied for an airplane instructor's job in the Canadian Army.

MAE WEST IN BROADWAY RETURN?

Bobby Crawford who, besides general-managing Al Jolson's "Hold Onto Your Hats," also has his own Broadway show current, "Separate Rooms," is trying to cook up a deal for Lew Brown and Ray Henderson to write a stage musical in which to bring Mae West back to Broadway. This, in turn, may also reunite the trio in music publishing, a partnership that was standard in show business a decade ago. Only missing would be Buddy DeSylva who, between his own stage and Paramount musical production activities, hasn't the time to write.

Brown & Henderson, Inc., was formed only recently to publish music. Crawford wants to reenlist as a music executive with B&H, especially as and when he gets the boys writing stage shows again.

Crawford also has been angling for Fannie Brice but she's still adamant against doing legit work.

Garfield's So. American Way to Forestall Being Called for 2 WB Films

John (Jules) Garfield, who planed into New York late Monday afternoon (7) after a sudden exit from Hollywood, intends flying to South America next week to avoid making two pictures for which Warners have announced him. Provided he can obtain a visa, he will leave Oct. 18, as he must remain for registration under the Selective Service act. He intends to remain away indefinitely.

Actor, who just completed "East of the River," has been slated by the studio to go into "The Fabulous Thirties" and then "Fiesta in Manhattan," neither of which he wants to do. He doesn't believe "the company will attempt to stymie his South America jaunt.

TALENT UNIONS INVITE PROBE

Propose That an Impartial Board of Civic Leaders and Business Men Decide If Actor Organizations Are Communist

'BEST WAY OUT'

A move is underway for the talent unions, as a group, to air the charges of Communism within their official ranks before an impartial board of four or five civic and business leaders. It is figured that this will not only lessen the tension caused by the accusations, but clear up the situation once and for all.

Suggestions along these lines have been made in Equity, which is charged by Congressman Lambertson with having seven council members who are Communists or fellow travelers, and to officials of the American Guild of Variety Artists. Latter's executive secretary, Hoyt Haddock, was also named as a Communist by Lambertson in his initial

(Continued on page 49)

Lunts on Radio Again; Like It, May Get Series

Lynn Fontanne, currently with her husband Alfred Lunt in "There Shall Be No Night" at the Alvin, N. Y., will make a one-shot guest appearance at 6:30-7 p.m. Sunday (13) over NBC blue (WJZ). She'll read the new Alice Duer Miller poem, "The White Cliffs of Dover," against a musical background composed and directed by Frank Black. Lunt will introduce her. It will be their second air appearance, their first having been last spring, when they did an excerpt from "There Shall Be No Night" on a Red Cross benefit program.

Agency which handles the Lunts for radio is trying to line up a series for them for next spring. They had always refused to appear on the ether until their Red Cross date, but they were so impressed with the huge response that broadcast drew that they are now more inclined to try a series show. Nothing can be done, however, until "There Shall Be No Night" completes its tour. Show departs Broadway next month.

New B'way Legits Getting Critics' Breaks; Reviewers Mellowing?

Alec Goes Prosean on Air

Alexander Woolcott will do a one-man show as guest on Dupont's "Cavalcade of America" program Oct. 30. Details aren't set, but the idea is for him to write and be the entire cast in a dramatic piece, presumably historical in keeping with "Cavalcade" policy.

Deal is being handled by his agent, Leggett Brown, of the John Moses office.

Although comparatively few new attractions have arrived on Broadway thus far this new season, there seems to be a distinct tendency on the part of the critics to "lean backward" or favor the incomers. That particularly applies to the musicals. The rave type of reviews accorded them so far surprised even those connected with the shows, who say they didn't think their shows were that good.

Whether the boys are mellowing, or perhaps are trying to make up for yesterday critical facetiousness, is a subject of considerable Times Square discussion right now. It will be recalled that not so long ago the critics were blasted for "ruining" the stage's comeback chances with their allegedly too rough notices.

It is stated by insiders that several reviewers have expressed apprehension over their jobs, because of the slowness of shows to arrive and the rather vague indications as to the number of productions to reach the Broadway boards. From one direction it was surmised that the "boys"

(Continued on page 54)

'HELLZ' REACHES \$3,000,000 IN 3 YEARS

"Hellzapoppin," just beginning its third year on Broadway, last week reached a total gross of more than \$3,000,000 for the run. Already the longest-run musical in Broadway history, it is far and away the record grosser. At its present rate of around \$30,000 a week, the show will have grossed another \$500,000 by next January, when it's reported slated to go on tour.

Unfavorably regarded by most of the critics when it opened in September, 1933, the Olsen-Johnson revue grossed a total of more than \$1,000,000 its first season and added nearly \$1,500,000 in its second. The take has held at around \$30,000 through much of the run, its lowest figure being about \$21,000. As the operating nut on the production is unusually low for a musical, "Hellz" has piled up a mammoth profit for Olsen-Johnson and their co-backers, Harry Kaufman and the Shuberts.

Social Leader Puts On Own Play in \$100,000 House Hubby Gave Her

Minneapolis, Oct. 8. Mrs. Archibald Granville Bush, one of the Twin City society leaders, will open her \$100,000 Eddythe Bush Little theatre this week with "Today's Laughter," written and produced by herself and presented by the Eddythe Bush Players. The theatre is a birthday present from her husband, wealthy mining man, and is complete to the last detail with air conditioning and the finest modern technical and stage equipment. There are 275 large, deeply cushioned seats on the main floor. Large display ads have been run in all Minneapolis and St. Paul newspapers for the opening play.

Enemies of Aid-to-Britain Seek to Buy Radio Time; N.A.B. Frowns on Idea

Washington, Oct. 8. Sale of time to the America First Committee, opposing greater U. S. help to Great Britain, would contravene the industry code, the National Association of Broadcasters warned member stations last week. No absolute ban on the programs of this group was suggested, but the trade group pointed out that the matter of American foreign policy in the present war is a "controversial issue" for which time must be given away as a public service.

The code committee in reply to inquiries from managers propositioned about signing contracts noted that the views entertained by the America First Committee are diametrically opposed to the platform of the Committee to Defend America by Aiding the Allies (headed by William Allen White). The issue is not subject to ballot or a clear-cut matter of dispute between the Republic

(Continued on page 47)

ELSA LANCHESTER YENS N. Y. NITERY BOOKINGS

Elsa Lanckester, a cafe and music hall name in London before going to Hollywood, may return to nitery work, but in New York. She's been ask for several weeks and is mulling several tentative offers. Her husband, Charles Laughton, arrives Sunday (13) from the Coast to do a personal with "They Knew What

(Continued on page 18)

Entire WSM Off Oct. 16 to Register, Actresses Take Over for the Day

Nashville, Oct. 8. Local femme actors will take over the announcing duties at WSM here next Wednesday (16), registration day for the National Selective Service law. Reason is that the station's entire announcing staff is within the 21-35 conscription limit, so station manager Harry Stone is giving them all the day off to register.

The gals will handle all programs, including sports, news, farm advice, stock market and grain reports, side-walk interviews (with a 60-pound pack transmitter), the 'Men at Work' special events show (which that day calls for interviewing a garbage collector). For that day the station will eliminate its regular NBC chimes and substitute a tune chimes to play the first line of 'America' at 15-minute program breaks.

ASCAP FIESTA AT N. Y. EXPO

The former Textile Bldg. at the N. Y. World's Fair, with its capacity of 7,000, will be the site, Oct. 24, or 25 of an ASCAP Day at the eastern exposition, similar to the ASCAP Day stunt pulled at the Trisco Fair. Gene Buck is working it out now with Fair officials, and just as he flew a flock of name songsmiths from New York to the Coast, he will bring in turners, by special plane, from Hollywood to augment the eastern contingent.

Utilizing the Textile Bldg. insures an indoor auditorium if the weather becomes inclement for an outdoor song festival.

Spaak to U. S.

Charles Spaak, Belgian scenarist of 'Two Women', French-made feature, is due in New York soon on his way to Hollywood. He presently is in Lisbon awaiting passage to U. S. Spaak is best known for screen-playing 'Grand Illusion' and 'Carnet de Bal', French pix.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS, OF MARCH 3, 1911.
OF VARIETY, published weekly at New York, N. Y., for October 3, 1940.
State of New York, County of New York.
I, **Harold E. Rich,** a Notary Public in and for the State and County aforesaid, personally appeared **Harold E. Rich,** who, having been duly sworn, according to law, depose and say that he is the business manager of Variety, and that the following is, to the best of his knowledge and belief, a true and correct statement of the ownership, management, etc., of the aforesaid publication, for the date shown in the above caption, and that the same is printed on the reverse of this form, to-wit:

1. That the names and addresses of the publisher, editor, managing editor, and business manager are: **Harold E. Rich, 154 West 46th Street, New York City.**

2. That the names and addresses of the publisher, editor, managing editor, and business manager are: **Harold E. Rich, 154 West 46th Street, New York City.**

3. That the known bondholders, mortgagees and other security holders owning or holding 1 per cent. or more of total amount of bonds, mortgages, or other securities, are: **None.**

4. That the two paragraphs next above, giving the names of the owners, stockholders and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company, but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given, also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner, and this affiant has no reason to believe that any other person, association or corporation has been made a stockholder or security holder by gift, inheritance, or otherwise, in the said stock, bonds or other securities than as so stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the month preceding the date shown above is: **1,000.** (This information is required from daily publications only.)

Sworn to and subscribed before me this 17th day of September, 1940.
Harold J. O'Connell, Notary Public.
(My commission expires March 30, 1941.)

Fonda's Comedy

Hollywood, Oct. 8. Henry Fonda, usually serious in his acting, is going comic in some of his future pictures for a change of pace, as result of his current work as 'Chad Hanna'. Darryl Zanuck is reading 'Country Cousin', a humorous haymaker yarn as an early start for his star, with Kenneth MacGowan as the likely choice for producer.

'Jerusalem' May Face Old N.Y. Law Vs. Stage Portrayals of Christ

There is some speculation along Broadway over the possibility of interference from authorities with 'Journey to Jerusalem', because Jesus is one of the characters. Drama by Maxwell Anderson opened at the National Saturday (p). There is an old statute on the state books which prohibits the portrayal of Christ on the stage, but it is doubtful that the new play is a violation.

Character in question is Jesus, young son of Joseph and Miriam and is enacted by Sidney Lumet, a kid actor. There is no direct mention (Continued on page 10)

JACK CURTIS FILES VOLUNTARY B'K'PTCY

Jack Curtis, theatrical manager of 1776 Broadway, N. Y., filed a voluntary petition of bankruptcy in N. Y. federal court Wednesday (2), listing assets of \$100 and liabilities of \$31,610. During the past two years Curtis has earned approximately \$1,000 yearly. He was formerly of Curtis & Allen, lately operating his own in New York and Hollywood.

Among creditors are Harry N. Shor, \$7,500 on a loan; Martin Starr, \$1,250 for publicity; Oursania Rouviera, \$1,000 on a loan; the Schurmer Theatrical Transfer, Inc., \$1,000 for scenery hauling; Century Lightings, \$1,000; Dorothy Hall, \$1,500 on a loan; Bobby Howes, \$8,000; Vera Pearce, \$4,500; and Wylie Watson, \$2,600, all of London, and all owed on contract claims.

Moppet Joan Carroll's 'Hattie' Status Uncertain

New Haven, Oct. 8. Status of Joan Carroll, film moppet with 'Panama Hattie', is unsettled at the moment. Originally signed on a two-weeks' tryout basis, youngster clicked so solidly Buddy DeSylva, producer of 'Hattie', wants her for a run-of-play contract.

RKO, which has the kid under contract, has not as yet agreed to release her for the extended period indicated by the show's assured run, and matter is now hanging fire. Moppet drew a flock of photog attention while here, with Life going to town on her.

'Hattie' is due to open on Broadway Oct. 30, after a private preview the night before.

Stoki Wouldn't Listen So He Sues Him for 3G

Los Angeles, Oct. 8. Leopold Stokowski was ordered to make a deposition Oct. 11 in the \$3,000 suit filed against him in superior court by Stuart Buchanan, who claims he has that much money coming for lining up a South American tour for the maestro last year. Buchanan asserts he made a thorough survey of South American theatrical and financial conditions and warned Stokowski against making the trip, which he declares, was a financial flop. His written contract with Michael Myerberg, manager for Stokowski, Buchanan charges, provided for no pay in the event the tour was not made. He claims they would have saved money by heeding his advice to stay away.

Laurel & Hardy Bought Radio Blurbs to Bally P.A.

Minneapolis, Oct. 8. Laurel and Hardy first film stars, making a personal appearance at a theatre here, to buy spot announcements over a local radio station (WCCO) at card rates. And then, to boot, they entertained radio and the press at a cocktail party. Played the Orpheum this week.

Gene Autry's Hoss By Plane Costs Rodeo Star \$3,400

TWA sent everybody into a pile of dithers last week by nouncing that Champ, Gene Autry's hoss, would be a ridin' into the LaGuardia Airport, N. Y., this week. As the story goes, Autry was working on a picture up to Saturday night with the hoss. It was impossible to ship the animal east then in time for the rodeo opening at the Garden today—that is, impossible, except by air. None of the airlines was crazy about taking the assignment, but ultimately TWA agreed. Engineers were set to work. Craftsmen ripped (Continued on page 40)

N. Y. Fair May Wind Up With 18,000,000 Paid Gate for 1940

With the windup of the N. Y. World's Fair less than three weeks away (Oct. 27), record-breaking weekend crowds now promise to push total paid attendance for 1940 to nearly 18,000,000. General Electric day at the exposition, Saturday, produced the fourth best day of the fair—200,600. This, coupled with 348,576 on Sunday, means the Fair 628,236 for the weekend. Sunday was greatly helped with the special newspaper coupon day.

Preparations are under way to nail everything down for the final day of the two-year exposition, that souvenir hunters will not carry off valuable hunks of fair structure and equipment. The Fair management was fortunate last year when the big show shuttered on the last day of October (Hallowe'en night) because it rained heavily all evening.

CAROL BRUCE TOO BUSY?

De Sylva No Like Her Radio (Ben Bernie) and Nitery Doubling

Squawk has been logged by Buddy De Sylva with Martin Spector, Carol Bruce's manager, against the singer working on the Ben Bernie air show and at the Waldorf-Astoria nitery. De Sylva maintains the extra-curricular activity reduces her value in 'Louisiana Purchase', his show. Outside work is not mentioned in the femme's pact and the subject is being gone over by Spector and De Sylva this week.

Incidentally, Miss Bruce's contract with Universal Pictures, about which there has been misapprehension, calls for her to be at the studio within 10 days of the closing of 'Purchase', whenever that may be. It provides for one picture, which, if it proves satisfactory to both sides, will be followed by a minimum of three pictures a year for five years. Universal will also have an option on a fourth film each year which, if it is favored, will automatically permit Miss Bruce to make one for any major company or producer with major release.

Marguerite Clark's Will

New Orleans, Oct. 8. The will of the late Marguerite Clark Williams, former star of the silent films, was probated Friday (4) in Civil District court here, leaving 41 bequests of from \$200 to \$5,000 in addition to the bulk of her estate to her sister, Cora Clark of New York. The will was dated Oct. 23, 1929. No petition for inventory of the estate has yet been filed.

Mrs. Williams was the widow of the late Harry Williams, wealthy lumberman and aviation enthusiast of Patterson, La.

THE BERLE-ING POINT

By Milton Berle

Columnists like me are not made—they're born—and maybe that's the trouble. Asked Damon Runyon if he got any laughs out of my column he said, 'How can I laugh and yawn at the same time?' I wonder what he means? (All right, Damon—I can take a hint.)

As I am writing this column the tub is running over. I don't know whether to call a plumber or Billy Rose.

Told Al Jolson that I was appearing in Newark doing six shows a day, Jolson said, 'Last time I was in Newark I played two-a-day.' I asked, 'Two shows?' He said, 'No, two horses.'

Everything happens to me—dreamt that I was out with Ann Sheridan last night—and she brought her mother along.

Broadway Dept.

Went to the opening of Efe's Monte Carlo. Beautiful place—beautiful silverware—remind me to show it to you sometime. (I worked on that joke all summer—too bad I never finished it.)

Just received Broadway Sam's bill for tickets to the Jolson premiere—tickets at \$8.00 each—plus. Should have called the show, 'Hold on to Your Wallets.'

At the Coconut Grove, Jack Waldron, who used to work in Central Park and is now at the Park Central, complains that business has fallen off to capacity.

Saw the Ed Wynn show. Terrific. Mother laughed so much I thought I was on.

Hollywoodians

Oscar Levant cancelled a lecture tour because he claims he often changes his views in the middle of a sentence.

Humphrey Bogart is coming to New York. Warner Bros. letting him out on parole.

When I made my 20th Century-Fox screen test, Gypsy Rose Lee was my leading lady—everything came off on schedule.

A Hollywood actor just divorced his wife and married her sister. He didn't want to break in a new mother-in-law.

Premiere of Charlie Chaplin's 'Dictator' will be strictly formal. Even the man in the projection booth will have to wear tails.

Muscle Dept.

Band leader Abe Lyman was held up the other night. Said Abe to the stickup guy, 'You'll have to see Harry Weinstein—he handles all my money.'

Just placed a song with the Exclusive Music Co.—it's so exclusive that they're not even giving it out.

Two songwriters talking shop in front of Brill bldg. Said one, 'I want to write songs like this forever.' Said the other, 'Don't you ever want to improve?'

My brother is cleaning up a fortune. He makes shelves for the Mills Music Co.

Hangnail Descriptions

Paul Small: All this, and commission too. Romo Vincent: One man's family. Benny Fields: A vocal hot-foot. Bea Wain: A special arrangement with beautiful legs. Oscar Levant: Funk & Wagnalls with the kind words removed. Walter Winchell: Uncle Sam's bodyguard. Broadway Rose: The answer to nobody's prayer.

Observation Dept.

Met a girl in Lindy's who's looking for a backer for a Florida vacation. For the Ed Wynn opening, George Wood got me seats that were out of this world. Next time I hope the seats are in the theatre.

Bert Gordon, of 'Hold on to Your Ears', broke a date with a girl the other night because she wouldn't get modern on two old-fashioned.

Yvette Dore, the striptease, told her three parrots to fly to Boston, where she was playing a club date. One parrot showed up late. He explained, 'It was so beautiful out that I walked.'

Eavesdropped at El Morocco: 'Lovely fellow—he's the object of his affections.'

Eavesdropped at 21: 'When he was born, something terrible happened—he lived.'

The Hollywood sun is wonderful. Last time I was there the sun was so strong that when I walked down Hollywood Boulevard a fellow came over and said, 'May I have your autograph, Rochester?'

Whatever Became of—???

La Belle Titcomb. Wellington Cross. DeLorie Alder. Nip & Tuck. Princess Wahletka. Zuhm & Dries.

Afterpiece

I've played screeno, banko and bingo, and my number was never called. With my luck, my number will be called first—in the draft.

David E. Rose's Close Calls From Nazi Bombs

David E. Rose, Paramount's managing director for Great Britain, had two narrow escapes from bombs in London late last month, according to word received by friends in New York. He escaped one only because he had gone out to lunch. On his return, Rose found that shrapnel or bits of an exploded Nazi bomb had torn through the window where (Continued on page 10)

L.A. to N.Y.

Robert Ardrey.
Gene Autry.
Ralph Bellamy.
Martin Brookes.
Charles Brown.
Carmen D'Antonio.
John Garfield.
Charlotte Greenwood.
William Guthrie.
Tom Harrington.
Jed Harris.
Allan Jones.
Roscoe Karns.
Allan Lane.
Irving Mills.
Abe Montague.
Rosita Moreno.
Jack Oakie.
Barbara O'Neil.
Al Ritz.
Wesley Ruggles.
Jack Runyon.
Art Siteman.
Red Skelton.
George Skouras.
Jack L. Warner.
Everett Weil.

Writer Eddie Davis Off 'Celebrity Nights'; Suit Agin' Him Explains Why

Next time anyone volunteers to hold a 'celebrity night' in honor of writer Eddie Davis he'd better duck—but fast. Davis is 'allergic' to celebrity nights since Leon & Eddie's 52d street (N. Y.) nitery tossed one last week in which he turned out to be the victim. Scripter Davis is not the emcee Eddie Davis who holds forth at L. & E's.

It seems that for a year and a half process servers for attorney Gustave B. Garfield have been playing hide-and-seek with Davis in an effort to plaster papers on him in a plagiarism suit growing out of 'Radio City Revels', which Davis and 'Matt' (Continued on page 10)

N.Y. to L.A.

Russell Birdwell.
Lou Brock.
Richard E. Condon.
Ed Gardner.
Joe Glaser.
Hal Horne.
Jerry Horwin.
Jack Pegler.
Erich Pommer.
Eleanor Powell.
Frank Scully.
Rudy Vallee.
Charles Vanda.
Anna May Wong.

SAILINGS

Oct. 4 (Los Angeles to New York) Mark Hellinger, Gladys Glad (Manhattan).

NAZI FILMS PALL LATINS

Martinelli's Ambition to Round Out 30 Years, One-Half Met Opera's Age

Giovanni Martinelli yesterday (Tues.) signed his 28th consecutive contract with the Metropolitan Opera Ass., establishing a new record for longevity of service at the house for a first string singer. Both Antonio Scotti and Leon Rothier have topped this by 33 and 30 years at the Met respectively, but both of these singers were appearing in minor roles the latter portion of their careers.

Martinelli hopes to complete 30 years of service at the Met ending with the 1943 season, which will have given him the distinction of having sung the last 30 years of the Met's 60 years of existence, the house having been erected in 1883. The tenor's last year he hopes to complete a cycle of all the important roles he has sung there, starting with the 'Lucia's of his youth, to be followed with 'Boheme', 'Butterfly', 'Faust', through 'Pagliacci', 'Aida', and 'Trovatore', to 'Otello' and wind up his career with his first German role, in 'Tristan and Isolde'.

The Met today (Wed.) announces its plans for the 1940-41 season which gets under way Dec. 2. Understood to have been valued to contracts are Mario Valentino and Alexander Sved, baritones, Norina Greco and Eliza Zebrowska, sopranos, Salvatore Baccolini, bass, and Suzanne Sten, contralto. Bruno Walter has been engaged to conduct a limited number of performances.

Lily Pons yesterday (Tues.) signed her ninth contract with the Met, calling for 14 performances beginning Dec. 14. Besides the Met in N. Y., she will appear with the company in Philadelphia, Boston, Cleveland and Dallas.

SCRIB TRIO SETTLE CONNIE'S 624G SUIT

Out-of-court monetary settlement was reached last week in a \$62,500 suit brought by Constance Bennett against Ben Hecht, Charles MacArthur and Charles Lederer. Action was slated to go to trial in N. Y. Supreme Court on Monday (7).

Miss Bennett charged that in 1938 Hecht, MacArthur and Lederer contracted to write a screenplay for her. She paid them \$2,500 on submission of an outline which she approved and was to pay them the remainder of \$60,000 on delivery of a satisfactory script.

It seems, however, that the trio of scribes got busy with other things and Miss Bennett waited and waited some more and still no completed script was forthcoming. When more than a year had elapsed she confided her impatience to her attorney, Charles Schwartz, of Schwartz & Frohlich, who filed suit to recover the actress' \$2,500 down payment as well as \$60,000 she figured she could have made during the summer of 1938 when she was sitting idly by waiting for the typewriting-trick trio to turn up with the script.

Hellinger's N. Y. Vacash

Hollywood, Oct. 8. Mark Hellinger and his wife, Gladys Glad, sailed for New York via the Panama Canal on their first eastern vacation in two years.

On his return, Hellinger will resume the production on three pictures, 'The Fabulous Thirties', 'The Dealer's Name Was George', 'Affectionately Yours', Warners. He recently completed 'High Sierra'.

BOYER-SULLIVAN'S U PIC

Hollywood, Oct. 8. Charles Boyer has been inked by Universal to play lead opposite Margaret Sullivan in studio's remake of 'Back Street'. Irene Dunne and John Boles held the roles in the original version in 1932.

Filming starts when Miss Sullivan finishes her stint in 'Flotsam' for the Loew-Lewin company. Boyer is currently vacationing in New York.

Maestro Chico Marx

Hollywood, Oct. 8. Chico Marx leads his own orchestra, consisting of 16 instrumentalists, a girl trio and a male singer, on a cross-country tour when he finishes his current acting job in Metro's 'Go West'.

Herb Taylor has been signed as arranger for the band, to be known as Chico Marx and his Ravellia.

Spanish Refugee Actors' Busking Lands 'Em Jobs

Mexico City, Oct. 8.

Inspired by enterprising thespians among the Spanish political refugees, jobless Mexican legit, vaude and revue players have hit upon a novel method of getting a chance at bookings, without having to dog agents.

System is: while the biggest bookers foregather at a cafe in a downtown street evenings, showfolks at liberty drift in and do their stuff, from patter, song-dance to high dramatics. Non-profess customers applaud, or hiss. This reaction is carefully watched by the show bosses. Oftentimes some good engagements result. Anyway, practically all performers are sure of at least an invite to a glass of beer, mayhaps a supper, for their efforts.

Spanish players soon hustle up jobs for themselves by thus advertising themselves and wares.

Lolly Goes a-Touring Again With Filmers, \$10,000 Against %

Hollywood, Oct. 8. Louella O. Parsons opens her 1940 stage tour in Omaha, Oct. 25, with an eight-week schedule. Route is the same as last year's, except that Boston takes the place of San Francisco.

Aside from Omaha, where Miss Parsons plays on a straight percentage, the contract calls for a minimum of \$10,000 weekly against a split of the gross as against \$7,500 last year.

Lined up for the show thus far are Binnie Barnes, Bill Orr, Susan Foster and Sabu. Columnist is looking for a glamor lad to take the place of Jon Hall, who is going on his own family tour with wife Frances Langford. Robert Preston or William Holden may be added to the cast. Jack Mulcahy, borrowed from 20th-Fox, is again slated to manage the caravan.

Another expedition from the Coast is that headed by George McCall, who is opening a personal appearance tour in Chicago with a troupe of lesser Hollywood names. The booking calls for 10 weeks.

REAL NAME LOMBARDO, BUT IT'S A HANDICAP

Pittsburgh, Oct. 8.

Frankie Lombardo is his real name and he's a band-leader, too, but the local boy has been a bit fed up of late because people were want to accuse him of adopting the tag just to cash in on the Lombardo label in the orchestra world. At times, it's also been hard for him to obtain bookings on just that account.

So last week Lombardo announced to the press and the public alike that from now on it's Frankie Barr and his band.

H'WOOD PRODUCT FAVORED A NEW

Despite Some Previous Inroads by German Pix (At Giveaway or Leblang Rentals), Mexico and Argentine Prefer to Pay for U. S. Motion Pictures

STILL A THREAT

By D. L. GRAHAME

Mexico City, Oct. 8. Mexico is probably coming around gradually to a willingness to be more cordial with the United States. Events in Europe have underscored in the minds of Mexican leaders and the more far-sighted business men both the practical business advantage and the ideological affinity of closer ties with the States and also with Canada. Not the least symptomatic evidence of this change is the increasing difficulty of German films to get playdates in Mexico while French films are regularly exhibited.

Confederation of Mexican workers is a powerful force against the Nazi viewpoint. Although it is commonly (Continued on page 36)

SCRIBES UNDER CONTRACT AT LOW MARK

Hollywood, Oct. 8.

Studio contract writers are at their lowest numerical ebb since early days of pictures. Total of scribes on term deals is around 50, with some 500 in and out on assignments.

Majority of scribes are on picture-to-picture basis to conform with the new studio policy releasing writers after assignment completed, so as not to carry them on payroll while assignments are shuffled. Metro with 23 and Warners' 19 carry the most contract scribes.

Scripting assignments, chiefly on a picture-to-picture basis, reached new highs for the year at two studios, with 39 writers working on 30 productions at 20th-Fox, and 24 busy on 17 years at Republic. Westwood lot called in 22 outsiders to help the regular staff handle the rush of stories. Scribes at Rep are pushing eight westerns to be filmed before the first of the new year, in addition to eight features and a new serial.

Reciprocal Plugging Sole Payoff for Rep's 'Milkman's Matinee' Pic

Publicity was figured by WNEW, N. Y., to be sufficient payoff for granting Republic the right to use the tag 'Milkman's Matinee' a picture title. No coin was involved in the deal set by Dick Bard, the station's p.a.

Film, inspired by WNEW's 'Milkman's Matinee', is about an all-night radio show similar to that on the New York station, with the principal character modeled after Stan Shaw, its pilot. Story was written and suggested by Lester Koenig, a writer on the Rep lot, who's a former member of the WNEW continuity staff. Bernard Vorhaus is directing. Production will start about Jan. 4.

Payoff by Rep for the title includes use of WNEW mikes in the film. Station will reciprocate by plugging it when it is released.

Cochran Writes of London Audience's 'Get On With The Show', and Refusing To Leave After Air-Raid Warning

Jolo Irked

Joshua Lowe (Jolo), head of Variety's London office, has become especially annoyed with the Nazi aerialists—the blitzing, not the Palladium kind—of late.

Jolo, in correspondence to the New York office, writes that 'they are getting busy around his residence, dropping a bomb on either side, one night. He says that he complained to the management that his hotel was getting very noisy, and that his sleep was disturbed.'

Shirley Temple Looks Set to Go With M-G at 4G

Shirley Temple, adrift since freed from her 20th-Fox pact, is expected to join the Metro star list within a few days. Although every major studio has made overtures to obtain the moppet's services, Metro holds the inside track and final details of the deal are now being worked out. It calls for two pictures annually, with coin running up to \$4,000 a week.

Contract will be a termie, it is understood, with a number of unusual stipulations to protect the future of the 11-year-old kid during her adolescence. (Continued on page 18)

British Writers Flock To B'way With Blitz Of London Show Biz

New York is gradually becoming a Mecca for English authors, since show business has been forced to suspend over there as a result of Nazi air raids. As there is no telling when theatres will venture to open, the writers are gradually arriving and seeking appointments with producers soon after docking.

Among the latest arrivals is Fred Thompson, who came by boat Thursday (3). He probably has figured in the writing of more American presentations than any other Britisher. His last musical show contribution was the book of 'Sons O' Guns'. Books of other musical comedies included 'Rio Rita', all the Astaire shows including 'Lady Be Good' and 'Funny Face', also the books of 'Tip Toes' and 'Five O'Clock Girl'. Thompson is credited with writing more than 60 shows.

Among the pre-war musical show writers from England is Guy Bolton, (Continued on page 36)

MORE RECRUITS FOR COAST FILMUSICALS

Hollywood, Oct. 8. In keeping with the filmusical up-beat, Hollywood producers are prowling the stage for players suitable for lighter entertainment. Outstanding concepts from the foot-lights are Eddie Bracken and Desi Arnez from George Abbott's Broadway production of 'Too Many Girls'.

Recent contractees at Republic are June Johson, daughter of Chick (Olson) and Johnson, who danced in the 'Helzapoppo' company; Carol Adams of Charlie's Revue; and Lois Ranson of 'Meet the People', latter both Coast stage musicals.

Editor, VARIETY:


As you and VARIETY readers (judging by my correspondence) seemed to be interested in my news from London prior to the blitzkrieg, I thought perhaps you might like to know how we are getting on under the nightly aerial bombardments. We have had it pretty intensively for about three weeks, and there is a hell of a noise from the anti-aircraft guns, the bombs and the German machines. Although the damage has been considerable and very thoroughly distributed over the face of greater London, it struck me, in taking one or two longish taxi rides yesterday, that there was very little destruction to be seen without looking for it. Of course, roads are closed to cars and sometimes to pedestrians also; but generally this is because there is a delayed-action bomb which is waiting to be heard from.

At the time of writing my office stands untouched, although a few yards up the street hills, the well-known barbers, has caught it. A great deal of suffering has been inflicted upon the poor, as usual, but (Continued on page 32)

MAJOR W. S. VAN DYKE REPORTING FOR SERVICE

Hollywood, Oct. 8. Mobilization order has been received from Washington by W. S. Van Dyke, Metro director, who, as a major, commands the 22nd Battalion U. S. Marine reserve. He reports for duty Nov. 1, with the outfit at San Diego. Capt. James Roosevelt and studio employees are attached to the battalion.

All studios will hold open the jobs of those mustered into service or drafted.



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Wobber, on His Swing Over U.S., Saw Much Spending for Defense; 'Bound to Help All Show Biz'

On his return to New York this week from a complete circling of his company's branch film offices, Herman Wobber, chief of 20th Century-Fox distribution, declares the benefits of the national industrial revival, sparked by the government's defense program, will rebound on the motion picture industry in an early date.

Keen observer and experienced analyst, Wobber has traveled the country from Coast to Coast, Canada to the Gulf, a hundred times in the past 25 years.

There are forces at work currently which I have never seen before, he said. The defense program is getting underway with speed and pickup that is amazing. Many of us usually see and believe only what is close at hand, but a round trip such as I have just completed is a revelation of the immensity of the job which is being started and a stimulating experience when one considers what is coming. A defense program that involves the spending of 12 to 15 billions in shipbuilding and armaments is almost beyond description in terms of past industrial activity.

Wobber says the expansion of the airplane and shipbuilding industries on the Pacific Coast, with which he is particularly conversant because of years of business activity there, is drawing thousands of workers from agricultural pursuits to city factories. In Los Angeles, he says, the Douglas, Lockheed, Northrup and other aircraft manufacturers are extending their plants to double and triple size. All of them have backlogs of orders running into hundreds of millions, in the aggregate close to a billion. After nearly 20 years of inactivity, the shipbuilding yards in San Francisco have resumed operations. Tacoma is a beehive of shipbuilding, working on both naval and commercial vessels. Seattle waterfront has sprung into life again as a supply base for the defense plans in Alaska.

Sees it All Over
'Coming back across the country,' he continued, 'one finds the same spirit in Salt Lake City, and, of course, in the middle west most of the larger cities are preparing for some phase of the defense program. A present day Detroit is bumping against boom times. There is scarcity of hotel accommodations, and the outlying industrial district is a maze of construction. A well informed person there told me that Detroit will require from 200,000 to 300,000 additional workers when the defense program hits full stride.'

The same general description applies also to Buffalo and the New England section, he said.

There is only one interpretation which show business can give to the tremendous defense expenditures, Wobber declared. The evidence of increased spending for entertainment may not be so immediately felt, but it is inevitable that the film theatres will respond and the vast sums in circulation through wages and purchase of material will stimulate a desire for popular amusements.

'Picture business usually is the last to feel the bad effects of a depression, and the last to get the benefits of business revival. I am convinced that the benefits of defense spending will reach the film industry very soon.'

Loretta Terp-Tutoring For Par's 'Ballerina'

Loretta Young, spending a six-week vacation in New York, is utilizing it to take ballet tutoring for her forthcoming role in 'Ballerina', in which she'll appear for Paramount.

Star arrived from the Coast about two weeks ago with Tom Lewis, chief of the radio department of Young & Rubicam, to whom she was recently married. She'll return when he finishes business which will keep him here about another month.

Peggy Up a Peg

Hollywood, Oct. 8.
Peggy Moran moved into the femme lead opposite Francis 'Tony' in Universal's 'Trail of the Vagabonds', which goes into work on location in Sonora this week with Allan Dwan directing.

It is Miss Moran's most important role to date.

Hammers Fly at Par

Hollywood, Oct. 8.

Paramount put 600 additional carpenters to work on six big sets, most important of which is the construction of the Flying Fortress for 'I Wanted Wings.'

Other pictures requiring extensive building are 'Reaching For the Sun' and 'Shepherd of the Hills.'

M-G LEADS PIX COIN BACK TO LEGIT

Deal pends whereby Metro will again figure in financing Broadway legit, same going for other major film companies who refrained from legit participation because of dissatisfaction over the terms of picture rights in the basic agreement. With both the filmers and authors now in accord over the revised agreement, the managers also being in accord, it appears that only an okay of the new deal by the Dramatists Guild membership is necessary for the breach to be healed. Guild is due to formally accept the new terms this week.

First attraction due to have Metro interested is an operetta by Jerome Kern and Oscar Hammerstein, which Max Gordon is slated to present. Authors are working on two plays, one with San Francisco as a background and the other located in New Orleans. Understood that the picture firm's principal purpose is to secure a Broadway property for film usage, Jeanette MacDonald to be starred.

Before there was an impasse between Hollywood and Broadway, Metro backed a number of shows produced by Gordon and Sam H. Harris. Among them was 'Jubilee', a costly musical which flopped after Mary Boland left the cast for the Coast. Another was 'Pride and Prejudice', which was recently released in film form and is a boxoffice click.

SKOURAS TRIAL DATE SET BACK TO OCT. 28

Setting of the date of trial of George P. Skouras and the Skouras Theatres Corp. continues to be delayed in the N.Y. federal court, when on Monday (7) Judge John W. Clancy again postponed it to Oct. 28.

Skouras is accused in a Federal indictment of having bribed former Judge Martin T. Manton by paying him \$30,000 and thereby securing assets of Fox Theatres Corp., valued at \$150,000.

Rep to Serialize 'D.A.'

Hollywood, Oct. 8.
Phillips Lord's radio drama, 'Mr. District Attorney', has been bought by Republic for serialization. Deal negotiated for Lord by James Saphier is for two years with options. 'D.A.' is now airing on NBC for Vitaphone.

Other News Pertaining to Pictures

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Should Be Wilder by Now

Hollywood, Oct. 8.
Oldtime stage play, 'Wild Man of Borneo', being revived by Metro as a co-starring vehicle for Billie Burke and Frank Morgan. Play about a circus sideshow by Marc Connelly and Hierman Mankiewicz had a Broadway fling in 1932. Robert Sinclair directs.

RKO to Release Its 2d 'Info Please' Willkie Short After Election

RKO has inadvertently maneuvered itself into a position that might be termed in less formal circles as 'having a hot 'Information Please' short on its hands.' Briefs in question is the second of the two made with Wendell Willkie as guest brought boy.

Inasmuch as the first short provided an excellent exhibition of cranial capacity by the presidential candidate, the Republican National Committee and Willkie's campaign managers have been anxious to get the second one released. Initial one gave the ex-utility magnate a considerable boost in public opinion.

In the ordinary course of events, the short would be released just in time to possibly have a hearing on the Nov. 5 election—and open RKO to charges of favoritism. From a business standpoint, of course, right now would be the perfect time to release it, so that it can play most of its dates by election.

All of which posed a dilemma for the distributing company: for the past few weeks, should it take what looked like a good business step and release the pic at once? Or would it be worse business by opening itself to charges of favoritism? And might not the present administration resent it if it gets in power again?

After much mulling it was decided to hold the short until the election is over. That immediately led to cries from semi-official GOP quarters that Edward J. Flynn, chairman of the Democratic National Committee, had brought pressure to bear on RKO. Prez. George J. Schaefer denied the pressure and also that fear of retaliatory measures by the Rooseveltians had led to the decision.

'We are in the business of selling entertainment,' said Schaefer, 'and see no reason why we should advocate the case of any candidate, whether it be Mr. Roosevelt or Mr. Willkie. There is no question of freedom of the press involved, as our business cannot be compared to the press or radio. The screens of America belong to theatre owners, and to do anything to advocate the interests of any candidate would be beyond the premise of any film producer.'

The 'Info Please' shorts were made for RKO by Pathé, the studio that was nominated. As is customary, both were edited from one day's shooting in New York. First was rushed through for release a couple days after Willkie's nomination in Philadelphia. It got a tremendous quantity of publicity, including a break when the candidate appeared at the Music Hall, N.Y., to see it.

GOLDWYN'S PERSONAL ATTY., EX-STEUER MAN

Henry Klein, who handled Sam Goldwyn's legal matters in the office of the late Max D. Steuer, has been retained by Goldwyn as general counsel in New York.

George Z. Medsco, who was named by Goldwyn a few weeks ago to prosecute the producer's battle with United Artists, will handle that matter only. Klein is engaged with him on it, but will work solo on other Goldwyn legal matters.

Kent, Schenck and Goetz Formally Approve Zanuck's 20th Prod. Sked

Can't Howl Him Down

Hollywood, Oct. 8.

Columbia assigned Sidney Salkow, writer-director, to script 'The Lone Wolf Takes a Chance', quieting rumors that the studio intended dropping the 'Lone Wolf' series.

Recent acquisition of 'Elery Queen' and 'Boston Blackie' caused reports that 'Wolf' would be discontinued.

18 REFUGEES AMONG 19,511 PIC ACTORS

Hollywood, Oct. 8.

Following protests from its membership, especially freelance players, that refugee actors were being brought into the country to take their places in pictures, officers of Screen Actors Guild went into a huddle with prey Y. Frank Freeman, of the Producers Association. The SAG then issued statement that of 19,511 persons regularly employed by eight major studios in Hollywood as of Aug. 31, exactly 18 persons can be classified as refugees. The SAG stated the figures were based on a check of studios by Freeman, and that the figures were open to recheck by the SAG or other studio guilds. It was stated that of the 18, only four are actors. A breakdown of the figures handed out by the Guild follows:

MGM, five refugees out of 4,500 employees; Warner Bros., three out of 4,000 employees; Columbia, three out of 1,180 employees; Universal, two out of 2,051 employees; 20th-Fox, three out of 2,750 employees; Paramount, one out of 2,730 employees; RKO, one of 1,800 employees.

LOMBARD WOULD END HER CONTRACT AT RKO

Carole Lombard is reported seeking to break her pact with RKO. Star has made two films and is assigned to a third under the six-picture agreement to which she will attempt to apply the ax.

Working on a percentage basis, it is understood her squawk concerns type of stories handed her and insufficient coin tossed into the productions. She maintains that were the yards better tailored to her style and bigger budgets assigned to production, she could gain added income under the percentage deal.

Latest Lombard picture, 'They Knew What They Wanted', was released Sept. 27, produced by Erich Pommer, directed by Garson Kanin and co-starring Charles Laughton. First film under the star's current term, 'Vigil in the Night', was released last February. It failed as a b.o. sock. Next on the sked, unless Miss Lombard succeeds in calling it a day, will be 'Mr. and Mrs. Smith' with Robert Montgomery.

Glamor Gets a Workout

Hollywood, Oct. 8.
Hedy Lamarr saw a new Metro pact and a schedule of roles that will keep her busy for months.

Third on the list is 'Come Live With Me', a co-starrer with James Stewart, which comes after 'Ziegfeld Girl' and follows completion of her current chore with Clark Gable in 'Comrade X'. Culver City production slate is being juggled to move more Lamarr pictures into line.

Varney's Carney Pic

Hollywood, Oct. 8.

Entire Varney carnival troupe was signed by Warners to appear in the feature, 'Carnival'. Picture top lines Humphrey Bogart and Sylvia Sydney.

Hollywood, Oct. 8.
Production plans of Darryl F. Zanuck for the coming year were outlined by him to 20th-Fox top men and officers by them at a lengthy confab here last night. Sidney R. Kent, prez of 20th, arrived from New York yesterday (Monday) for the conference. Others attending were Joseph M. Schenck and William Goetz.

Indication that there has been some revision of budgets upward in light of improving conditions at the b.o. was given in a statement signed by Schenck handed out following the huddle. It appears that the 20th toppers view general conditions of the industry considerably more optimistically than when 1940-41 plans were originally drawn up last spring.

Schenck's statement read: 'Conferees were held today between president Sidney R. Kent, Darryl F. Zanuck, William Goetz and myself on the 20th-Century-Fox production outlook for the coming year. Business prospects seem promising from the viewpoint of theatre attendance and improving conditions. Mr. Zanuck, in charge of our production, outlined his program for the coming year and his budget requirements. His prospective list of productions, based on story material already selected, was given our hearty endorsement and his budget requirements were approved.'

'For the protection of members of our organization who may be called to military service, it was decided to recommend to the board of directors that all such positions be kept available for their return.'

Kent arrived yesterday (Monday) from New York, accompanied by Lew Schreiber, casting director, who surveyed the Broadway field in search of filmusual talent.

OLD \$31,000 CLAIM ON NOTES VS. HAMMONS

A suit by the Federation Bank & Trust Co. against Earle W. Hammons, former president of Educational Films, Inc., was revealed Friday (4) in N. Y. supreme court when Hammons sought to strike out some of the plaintiff's allegations. Action seeks \$31,000 on allegedly unpaid notes.

The bank claims Hammons borrowed \$29,500 on a promissory note Aug. 31, 1931, to be repaid within 90 days. Of this amount, the bank claims \$18,500 was repaid (Hammons asserts \$22,500 was repaid). Another cause of action claims that in September, 1931, Hammons borrowed \$20,000 additionally and did not pay back anything. The bank executive, in his defense, claims that the plaintiff induced him to purchase some of its stock, offering to take it off his hands at the purchase price any time in the future. He has offered the stock but the bank has rejected it. He also claims to have purchased \$10,933 of the Federation Shareholders' Co., Inc., with the same agreement on the part of the bank, and to have secured the personal endorsements of Carl Laemmle and R. H. Cochrane on notes for the bank. A dismissal of the suit is asked.

Leonard, Blanche Ring Cork Up at Warners

Hollywood, Oct. 8.
'Minstrel Days', a panorama of blackface, was added to Gordon Hollingshead's shooting schedule at Warners.

Eddie Leonard and Blanche Ring are cast for featured roles.

Can't See You, Babe

Hollywood, Oct. 8.
'The Invisible Woman', a comic followup of 'The Invisible Man', went into production at Universal yesterday (Mon.) under direction of Eddie Sutherland.

Virginia Bruce plays the invisible role with two Johns, Barrymore and Howard, looking around.

BRITISH TRIO'S BID

Hollywood, Oct. 8.
Twentieth-Fox is dickering for three British stage players, Geoffrey Tearle, Arthur Powell and Gladys Hensen, to play in 'The Light of Heart'. Robert Kane produces.

FILM SELLING SPEEDS UP

DEFENSE SPURS B.O.

Regardless of the outcome of the November elections, the biggest job in this country for the next several years will be organizing for military preparedness and the building of a national defense on a scale never before undertaken. In some industrial centers the task already is under way. Populations are shifting to the manufacturing areas, the call for skilled workers has gone out from seaboard cities where shipbuilding is hitting a faster pace.

Leaving to the economists—and the columnists—the knotty problems of national debt, deficits and war-time taxation, the fact is pretty certain that show business is approaching a period of better boxoffice business; provided, of course, that show business gets its own plant structure in shape to profit and to do its part when the upturn comes.

And, as that old Chinese proverb has it, there isn't as much time as you think.

In the World War the American motion picture theatre played a conspicuous role on the home front and reaped a giant harvest in terms of millions of new patrons and good will. For lack of better community meeting places, the film theatre became headquarters for every form of patriotic activity. From theatre stages liberty bonds were sold, Red Cross appeals were made and four-minute speakers pleaded the cause of the Salvation Army and other relief agencies.

The exhibitor became a prominent local person, welcome at Rotary and Lion clubs. He was the darling of the bankers, business men and ladies' aid societies. On the foundation of honorable and cooperative service he was encouraged to expand operations, build new theatres, command lasting acknowledgement for his efforts.

Legitimate and vaudeville also played important roles in the national mobilization.

Much of the informative and propaganda service performed by theatres in the World War has shifted to radio. Networks and the local stations comprise the new agencies.

But the major responsibility of drawing together the masses into groups with common purpose still rests with the theatre sector. That portion of the billions appropriated for national defense which will go to wages will be circulated freely and the theatre man will come into his share of the increased spending. Popular-priced amusements are inevitably due for a substantial new prosperity.

It seems the part of wisdom that showmen should make their plans to cope with the new conditions. That long-deferred refurbishment of equipment should not longer be delayed. Orders for material should be placed as early as possible to take advantage of prevailing prices and to avoid delays of delivery and installation which follow general orders that Government business shall have preferment in supplies and transportation.

It's not only an individual problem for each showman. An entire industry must weigh the future and make broad plans to take full advantage of the opportunities presented.

John Maxwell, 63, Dies; Headed \$200,000,000 Pix Empire in England

London, Oct. 8. John Maxwell, 63, chairman and managing director of Associated British Pictures Corp., Ltd., died here Thursday (2) of diabetes following a protracted illness. The various film enterprises he headed were capitalized at more than \$200,000,000.

Originally a Glasgow, Scotland, solicitor, Maxwell went into the film business here in 1912 as an exhibitor. Arthur Dent, now sales manager of Associated British, induced him to extend his interests to production and distribution. Later he became associated with Wardour Films, Ltd., an independent distribution company, which he brought into the public eye while its board chairman. Then Maxwell went into production with British International Pictures, Ltd. Subsequently, he joined this company with his Associated British circuit and Wardour to make a prominent producer-distributor-exhibitor group.

Associated British also controls the 'Sis Hopkins'.

British Instructional Films, Ltd., and Pathe Pictures, Ltd., the latter being Monogram's distributor, outlet in Great Britain.

Maxwell is survived by his widow and seven children.

Very Active

The death of John Maxwell is keenly felt in New York, especially among Paramount officials. Three features, 'Jamaica Inn,' 'Beachcomber' and 'London After Dark,' which were released in the U. S. by Paramount, were jointly financed by Par and Maxwell.

While he was not regarded as a veteran in Great Britain's film industry, Maxwell was viewed as one of its most active newcomers.

SIEGEL SHIFTS FROM REP. TO PAR PRODUCER

Hollywood, Oct. 8. Sol C. Siegel is moving over from Republic to Paramount as a producer. At Republic the last four years he handled the studio's top product after breaking in as a producer of action pictures.

He makes the move after completing

CAN'T STALL NOW ON NEW PRODUCT

Deals for 1940-41 Have Been in a State of Languor Until This Week—Buyers Realize They Need Film Commitments, or Else

LITTLE '39-40 LEFT

In a state of languor that has annoyed distributors no end since early last spring, film buyers are now scurrying to exchanges and higher sales executives with a view to closing deals essential to filling out the coming year's product requirements. It's getting late to stall much further and likely that the balance of this month will see plenty of action in getting signatures on contracts on which negotiations remain to be completed.

There is not an alarming number of deals yet to be closed up, since the releasing season has been on from one to two months, but more yet to be consummated remain than at the same time last year, taking distributors as a whole, it is claimed. However, it is indicated that while the number of actual contracts are behind last year, the distributing faction is ahead in terms of money calculable under the contracts that are in. Higher rentals have not been attained everywhere, but in a large number of instances they have. Additionally there are more films in the top-bracket groups this year than ever before.

A backlog of 1939-40 film on which exhibitors have stalled dates, deliberately in some cases, has made it possible to delay certain buying this long. Reported there are quite a few buyers who have been getting along thus far on '39-40 product delayed in dating, plus 1940-41 pictures under carryover deals negotiated last year or on a couple buys negotiated earlier to meet fall requirements.

In other words, some exhibs have already signed for perhaps two or three programs and are rolling with their '40-41 film but have been stalling on the additional deals necessary for the new season. They are in there pitching now on the remaining buys that will have to be made.

Quality Objections

Plenty of objections have been interposed by various exhibitors looking for bargaining advantages, among them—squawks to individual companies that their last year's (1939-40) product didn't stack up well. Demands for adjustments on the '39-40 buys as a condition of writing a new contract also have been made but declared that this year the distributors have been less willing to yield than in former years when undated film didn't have to be picked up, reversions under the contracts were made, credits given, etc.

In some cases, where franchises (Continued on page 22)

PAUL STEIN TO MAKE PIX FOR SELECT IN U. S.

Paul L. Stein, foreign director who has made pictures also in America for major companies, is coming over in about a month to produce for Select Pictures. George Richfield, attorney representing the film company, left Saturday (5) by clipper for London to finalize the contract. Under it Stein will make three films in the U. S.

One of these may be made in Bermuda, where Select is trying to induce the British government to set up studios. While abroad Richfield also will discuss a one-picture deal with Robert Donat.

E. L. McEvoy, v.p. and general sales manager of Select, set the deal with Stein. Director had made pictures in the past for Metro, UA, Warners and RKO, both here and in England.

Money Is 'Easy' in Wall St. for Film Purposes; Consent Decree's 5-Pix Units Will Encounter Few Hurdles

Finis In RKO Marathon

Final formal order in the seven and a half years of the RKO bankruptcy, receivership, and reorganization, in N. Y. federal court, came through Friday (4) when Judge William Bondy signed a formal order approving the payment of allowances to attorneys and the Atlas Corp. for their services.

Total amount to be paid by RKO is \$640,747.40 plus 120,000 shares of RKO common to go to Atlas at a value of \$3 a share.

De Courville-UA Talk Production Deal in the U. S.

Albert de Courville, English indie producer, is talking a deal with Murray Silverstone, United Artists' chief, in New York, to produce in this country for UA release. De Courville made four pictures in England for UA distribution. He came to this country about a year ago.

Director and writer as well as producer, de Courville has turned out pictures in England at various times for Gaumont-British and Metro. His last, released in Britain as 'An Englishman's Home,' is now being distributed in this country by Columbia as 'Mad Men of Europe.' Metro recently had in release his 'Lambeth Walk.'

Warner Bros.' Patriotic Contribution to All WB Men Called to Service

Warner Bros. has informed all its employees by inter-office memo that they will receive leave of absence from their posts for the National Guard or under conscription, with the same or similar positions to await them on their return.

For those who have been with the company one year or longer, WB will pay an extra two weeks' salary on leaving for service and also will give consideration to payment of monthly sums to them or their dependents while away, this to be dependent on the financial circumstances, etc.

Also, WB has informed employees that it will not be necessary for them to pay dues to the Warner Club but that all benefits except for sickness will continue in force during their absence.

Under the group insurance which Warners has with Metropolitan Life, the company will assume payment of all premiums, it also informs. Benefits under this insurance will remain except for sickness and accidental death.

Jas. Roosevelt's 5 Pix For Bronston Through UA

Hollywood, Oct. 8. James Roosevelt closed a deal to produce five features for Samuel Bronston Productions, to be released through United Artists. First is 'Martin Eden,' based on a story by Jack London. Bronston recently obtained first refusal on any of the novelist's stories.

Henry Henigson is slated as production manager of the five pictures. 'Eden' goes into production in December.

Readjustment of production setups of most picture companies to meet depleted revenue possibilities from the foreign field has been given the green light by Wall Street. Which means that there will be no stalling on loans for picture production for the next 18 months or two years.

Trend towards higher admission prices wherever conditions permit, upped film rentals and a boom prospect because of defense preparations, all figure in this liberal attitude. Basically, money is 'easy' with plenty of it ready for loans.

There's more in this Wall Street slant, which discounts the present depreciated prices for which film company shares are selling, than these factors, however.

With financial structures adjusted and production system realigned, banking houses are attracted by the 'cash' operating angle if for no other reason than it is a method highly preferred to those employed by other industrial companies. They realize that the film business is so geared that it means rapid turnover on loans.

Money at 4% to 5%

Film companies presently are able to obtain loans for as low as 4% and 5% with even lower rate available for certain companies requiring only 90-day loans. Reason for this, besides the easing in the money market, is that few banking houses figure on foreign losses as entering into the ability of the producer to pay up on time. Nearly all film companies have readjusted their amortization tables to figure in the domestic market for the vast bulk of revenue during the first six months.

Steadiness of film issues in the present all-time dull stock market is rated in the Street as reflecting confidence of banker interests in the ability of picture company executive personnel to solve the problem presented by losses in the foreign territory.

Another angle which is pleasing to picture company officials is that already there have been preliminary expressions in banking circles regarding the 5-unit picture selling, under the consent decree. Where some difficulty originally was feared because of this bulking of several pictures, few indicate the slightest doubt over ability to obtain necessary loans to finance production under the 5-picture setup. As explained by Wall Street men, it differs little from the present lineup on production. They aver that a majority of film companies always are five to 15 or more pictures ahead of actual releasing schedule. This means that five pictures will be ready to go out on the market at stated intervals, possibly every five weeks. While not ready to go into effect until next September, majority of opinion in the Street is that absolutely no difficulty will be encountered in the matter of financing production.

SCHENCK TAX CASE COMES TO BAT NOV. 15

Trial of Joseph M. Schenck's tax case was set by the Government for Nov. 15 in N. Y. federal court, the indictments to be tried one at a time. Mathias Correa, U. S. attorney, promised to inform Harold H. Corbin, new counsel for Schenck, by Oct. 13 which would be tried first.

Joseph M. Moskowitz, Schenck's N. Y. representative, will also be tried simultaneously, excepting on one point. Both film men have pleaded not guilty. Trial was originally supposed to get under way Oct. 7, but the adjournment was granted due to the death of Max D. Steuer, Schenck's original counsel.

CONSENT DECREE FACES FURTHER TEST OF EXHIBITOR RESISTANCE

Chance of Blocking Sales in Groups of Five Grows As Court Agrees to Listen to Theatre Side—MPTOA and ITOA Lead Opposition

Washington, Oct. 8. Unable to reach final agreement on the proposed consent decree after an all-day session here today (Tues.), meeting was adjourned until Thursday morning (10) when Department of Justice representatives and officials—attorneys of Paramount, RKO, Warner Bros., Metro and 20th-Fox will continue huddles in New York.

Robert Sher, James C. Hayes and Robert H. Wright of the D. of J., go to New York for the meeting. They were closed here today by George J. Schaefer and William Mallard (RKO); Richard E. Dwight and Bertram Shipman (20th); Austin Keough and Thomas D. Thacher (Par); Nicholas M. Schenck and J. Robert Rubin (Metro); and Joseph H. Hazen and Robert Perkins (WB). This same group will meet with the Government reps in N. Y. Thursday (10).

Prospect of blocking the sale of pictures in packages of five under the proposed consent decree, either getting this provision eliminated entirely or, under a compromise, obtaining a suitable cancellation privilege, has developed with Judge Henry W. Goddard indicating to exhibition forces that he will listen to their side of the story. Because exhibitors are not party to the consent decree proceedings, it is questionable whether the court will permit them to intervene, but willingness of Judge Goddard to hear the theatre operating objections is regarded as a highly favorable sign.

Should the judge permit exhibits to intervene, they may carry the case to the Circuit Court of Appeals unless getting action. Otherwise, they will merely appear as a friend of the court under "amicus curiae" status and, in that position, be permitted to lodge their complaints, make recommendations, etc.

At the mass meeting in Washington, Sept. 3, exhibitor leaders and spokesman for chains sought to get the Department of Justice to redraft the consent decree, excluding the plan to market film in groups of five, but Thurman Arnold refused to take that step. However, he indicated he would recommend to Judge Goddard that the exhibition field be given voice in some way. Now the Federal court justice has agreed to do so. There was some question whether he would.

Postponed a Week

Company executives and attorneys for Paramount, Metro, 20th-Fox, Warners and RKO met in New York, Monday (7) and yesterday (Tuesday) in Washington to huddle with Arnold and Dept. of Justice representatives on formal consent to the settlement agreement as worked out prior to presentation to the court. Originally scheduled for Monday (7), postponement was taken by Judge Goddard until next Tuesday (15).

At that time it's expected leaders of exhibitor associations and chains will (Continued on page 22)

Par Theatre Partners Converge on N. Y. For Confabs, Film Deals

Coming in partly on film deals that remain to be set and also on home office conferences with Paramount executives, Harry David, operator of Par's Intermountain chain in the Utah region; Vincent McPaul, of the Public-Shea circuit in the Buffalo territory; Hunter Perry, operator of the Virginia string; and Eugene Levy, upstate New York partner, converged on N.Y. over the weekend. Perry and Levy came in for only a couple days, while David and McPaul will remain a week or so on various matters which they have to discuss. David's trip east follows a visit into his territory two weeks ago by Sam Dembow, Jr., and Leonard Goldenson.

John J. Friedl, northwestern Par operator, is due east in a week or so.

Buell in PRC Setup

Hollywood, Oct. 8. Joe Buell has signed with Producers Releasing Corp. to handle the second of the four production units under the company's new plan. First producer, Sigmund Neufeld, was originally scheduled to handle all the company's product, but Harry Rathner, president of the outfit, is dickering with two more producers to head the other two units.

Buell's first picture is "Heaven on a Dime," slated to start about Oct. 20.

Ed Kuykendall Reviews Consent's Shortcomings At Midwest Indie Conv.

St. Louis, Oct. 8. That the MPTOA is mulling the idea of filing amicus curiae proceedings in court when the proposed consent decree is finally brought before Judge H. W. Goddard in New York was the assertion made here last week by Ed Kuykendall, prez of the national body, who was guest and principal speaker at the annual meeting of the local body which embraces eastern Missouri and southern Illinois. Kuykendall said the move undoubtedly would be made because exhibitors had not been consulted about the terms of the decree.

[An amicus curiae is an interventionist who can be heard only by the leave of the court and for its assistance.]

"I am not sure that the court will grant us a hearing," Kuykendall declared, "but I do know that if the decree does go into effect with the present objectionable five-picture blockbooking plan and the provision for non-trade arbitration boards, this fight is just beginning because it will destroy the small exhibitors, the very ones it pretends to protect."

The consent decree, according to Kuykendall, was the outgrowth of some contentions, quarreling and disagreements. He deplored the fact that it eliminated the exhibitors' present cancellation privileges and that references to clearance were so vague and hard to understand that it was doubtful if any exhib would be benefited. The attorneys for the producers and the Dept. of Justice just had something too hot and were just looking for some place to lay it, the speaker declared.

Touching on the five-picture block, Kuykendall stated that the producers would simply set in three "clucks" with a couple of good pictures and then crank the entire lot down the throats of the exhibs. He also said that MPTOA had promised the Dept. of Justice that it would try to work along with it but that the proposed decree was unworkable.

Urging less Governmental interference with the motion picture industry, which he declared was well able to work out its own problems, Kuykendall asserted that the industry has always been ready and willing to carry its share of the national tax burden but should not be subjected to inequitable taxes. He quoted the late Woodrow Wilson as saying: (Continued on page 10)

Studio Contracts

Hollywood, Oct. 8. Warners picked up Maris Wrixon's option.

Jeanne Kelly drew an acting pact at Universal.

Metro handed Kay Rohrer a player's ticket.

Eddie Albert inked new deal at Warner.

Republic signed Jane Frazee to play in three pictures.

Superior court approved Nina Orla's minor contract with Universal.

Elliott Paul drew a writing pact at Metro.

Fields' 'Caesar' Yarn

Hollywood, Oct. 8. W. C. Fields is gagging 'up a yarn' to carry the tale of J. Caesar, which he hopes to start in after completing "The Bank Dick" at Universal.

He is trying to interest Universal in the story as a starring piece. His last three pictures have been made at the valley studio.

Charge Breach Of Sunday Laws By N. Y. Theatres

Stern warning from city authorities that there will be trouble unless New York theatres stop violating the Sunday opening law by starting to sell tickets before 12 o'clock noon on that day has been received by the managers of most of the downtown picture houses. Some neighborhood theatres, operated independently, are also concerned.

Threat of action declared to have come first from the License Department, with the police following through to investigate complaints and check on any violations, if continued. Sources intimate that clergymen have been watching the theatres and registered squawks with the License Commissioner.

Churchmen are also keeping an eye on barrooms, it is said, reporting violations that occur in such places when keeping open later than the law permits, or in opening too early on Sundays.

Film theatres in the Broadway sector have been opening earlier than noon on Sunday right along, it is claimed, some of them quite regularly, others now and then. Position of the managers is that they open early because certain competitors have been doing it. Virtually all film houses in the downtown area have been guilty at some time or other of violating the Sunday law, with various houses frequently throwing the doors open an hour or half-hour earlier because large crowds are on hand. In the nabes where RKO and Loew's strictly adhere to the Sunday opening regulations, some indies have jumped the gun now and then.

At the office of License Commissioner Paul Moss, a spokesman declared that in the event of violations on which an arrest was made by the police, a hearing would be held with the penalty depending on the circumstances.

WB Says It Would Have Preferred Bund's Suit To Trial; Now Dropped

The \$5,000,000 libel suit of the German-American Bund against Warner Bros. production of "Confessions of a Nazi Spy" was dropped Wednesday (2) in N. Y. federal court. The plaintiff in the action, Fritz Kuhr, erstwhile Bund leader, now serving a term in Clinton Prison (N. Y.) for stealing Bund funds, was granted until Nov. 15 to decide whether to follow the action of the Bund or to prosecute. Should he decide on the latter course, he will have no attorney, as Vahan Kalendarian, who had represented him, told Judge John C. Knox that he was withdrawing as he "didn't want to represent Kuhr."

Withdrawal of the suit did not please Warner Bros., which reluctantly agreed to the end of the action. Stanleigh P. Friedman, vice-president and general counsel of the film company, told the court that since the charges made in the film against the Bund and the Nazi party in general were true, and Warner desired to prove it in court. The film showed German spies operating in the U.S., propagating Nazi philosophy here, drilling with swastikas, etc. The Bund claimed that the film lied when it portrayed subversive activities on its part.

Of People and Places

By THE SKIRT

The Best Dressed Woman of the Week
JANE FROMAN
Paramount Theatre

Jane Froman at a Matinee

The Paramount theatre isn't cluttered up with the young jitterbugs, now that school is open, or maybe Frankie Masters' band is too quiet for them. At any rate Wednesday found the Paramount sparsely filled for the two to five performances. Two to five, do you get that? Three hours is a long time to spend in any film house.

Johnny Barnes, a young tap dancer, wore the conventional sports outfit, tan coat and gray trousers. His imitation of Bill Robinson was something. Marion Francis was nifty in a black net evening gown. The jet top extended well over the hips ending in points. A white flower decorated the brunettes tresses. The piece de resistance of the show was the return of Jane Froman. There is a standard among women singers. The dress worn by Miss Froman for the two o'clock show was of Joe blue net over a white foundation. The neck line was square cut and there was a trimming of what seemed to be diamond-studded inserts in the billowy skirt and bodice.

The picture, "I Want a Divorce," with Joan Blondell-Dick Powell combination, is just one of those things. Joan Blondell is a wise-cracking girl of the usual pattern floating through the picture in a well-chosen wardrobe. A black lace evening gown is outstanding. Chenille dots decorate the square cut bodice. Many tailored clothes are worn and Miss Blondell must have a penchant for pointed collars as every dress has the same design. One thing is noted, Miss Blondell is just as much at home in flowing house gowns as the little tailored suits. Hats are becoming to this young woman. All off the face, they run to the Breton sailor type.

Gloria Dickson as a character out of what is now known as Cafe Society is dressed to the limit. Carefully coiffured, her head is at all times almost too well groomed, but it sets off the tiny hats she affects. A lame house-gown is outstanding in its well cut lines and simplicity. Another long frock has a dotted skirt with jacket-like top of a dark plain material. The cast of this picture sounds like old home week, among those present, Frank Fay, Harry Davenport, Conrad Nagel and Roscoe Ates.

Thanks for Chorus In Hosiery

Ed Wynn, presenting himself in a show that a knockout. To be sure it is too long and that will probably be altered but, it is to be hoped without lessening Wynn's own stuff. He has never been funnier and there isn't one suggestive line in the show. All the girls are stockinged. They are of the mesh type with credits to Nat Lewis. This department has crusaded for years against bare legs. No leg is pretty without stockings and Wynn has had the courage and the showmanship to face the expense.

Jane Pickens has come along way from her vaudeville and radio days. Today she blossoms forth a worthwhile prima donna. Didn't care much for her first frock of pastel shadings. From then on she showed a well chosen wardrobe. A white chiffon was lovely in its crisscross bodice and full skirt. A cerise had four ruffles banded in jet. Suede gloves were heavily studded. Outstanding was a sapphire blue velvet gown, and a street suit of black velvet was worn with the new glass shoes. With this outfit Miss Pickens wore one of John Frederick's nightmares. All the hats were done by this firm and they were the scrawniest set of hats ever to grace a stage. The clothes worn by the chorus were all well designed credits to Veronica.

Eight of the smarter night clubs get a great plug as each girl came down a flight of stairs dressed as only a Broadway show girl parade can dress. A ballet number was lovely, in pale blue long dresses heavily beaded in the same material. Sally Craven wore black satin with blue under ruffles and Florence Foster was dressed the same as the chorus with diamonds instead of the petals.

There was a Mexican number, the girls wearing the usual colorful dresses. Some were of a bronze material, some seniors were in yellow and black with huge sequins. In fact, sequins ran amuck in this show. In this Mex number one wonders how the nude girls growing out of cactus sneaked into the picture, a little touch of Jake that crept into the show. There was a red and blue number outstanding. But the wonder of all was the outfitting of the models, four in all, done by no one but our Ed Wynn. Familiar to any one who knows their vaudeville, one remembers with awe how men dressmakers took on a piece of material and presto the dress was completed with a few twists of the wrists and a few pins. Ed Wynn handled those pins like an expert. The wedding outfit was too lovely.

The white finale was a dream picture and only here does the millinet get credit, those huge white coque hats and muffs were masterpieces. Renee DeMarco was dressed as only this slim young woman can dress. There wasn't a single flop. A black panne velvet was lined with a deep shade of black and white design decorated on one side. Her white outfit was a white skirt with feathered bodice. Linings and slippers were red.

At La Conga

Memories crowd in on entering La Conga Club. It was Casa Cubana, Monte Carlo, Club Maurice and Gallagher's. Today Conga is Havana. The murals are all scenes from that Caribbean jittersburg spot. Eddie Le Baron, a tall, handsome fellow, leads his men with the air of one who is enjoying himself as well as the customers. In white tie and tails, his men in blue mess jackets and black trousers.

Floor show reflects good direction. Monsieur Galvan, a double for Caesar Romero, has surrounded himself with two other men and three girls. Galvan is a whiz in his spins and the entire six can take medals for their intricate Argentine steps. The girls appear first in the costumes of their famous south. Colored prints on a white background with red lining are worn with tiny flowered hats. Heavy necklaces are about the throat. Halter necked dresses follow, of a brown print. Rosita Rios is a plump little brunette and wears a pale blue organza evening gown. Gloria Belmonte, dancing with Ramon Serrano, is of Spanish origin. She wears a two-ruffled dress of a dotted silk with edgings of green, the neckline comprises much fringe and in her hair is a huge tortoise and diamond comb. Serrano is in the usual high type trousers of tan with black short jacket, green vest and wide black sailor hat. High spot in evening is the dancing of Harris, Claire and Shannon. Harris in ultra gray tails. Miss Claire is a pretty blonde, while her mate is brunette and equally pretty. They wore this show black and white. Each dress the evening velvet belts with matching medall. This team seemed picture material. Johnnie Rodriguez, a Puerto Rican, is of the Cab Caloway type, kayoing the diners.

The Jenkins Salon

If the women aren't well dressed this winter it will be their own fault and not the fault of the American designer. Clothes have seldom been so fascinating. This is said each year, but it goes double now. For example, Elinor and Frank Jenkins had their press showing Tuesday at five with cocktails. Wonder what some of these press girls dream about after seeing one of these showings. Often notoriously bad dressers themselves, do the manikins parading the last word in style, using the career gals or are they too preoccupied?

The Jenkins salon is done in white with drapes or gun-metal, with one window-hung-in-white organdie. Elinor Jenkins is a pint-sized gal, and that goes for hubby Frank too. Viola Shefer refers to them as the Lunt and Fontaine of the fashion world. Especially beautiful were the dinner frocks. The street costumes were lovely too, and worn with sumptuous furs. And the jewels. They were by Flato.

GROSSES DOWN, BUT NET UP

Director Sam Posen's Sweeping Stockholders' Suit Vs. Universal

A stockholder suit against Universal Pictures Corp. and others was filed in N. Y. supreme court, Friday (4), by Samuel I. Posen, director of Universal, and owner of 100 shares of common and 50 of first preferred; Celia Braun, owner of 80 shares of preferred, and Esther M. Tolmach, owner of 190 preferred. Other defendants in the action, which seeks an accounting among its numerous charges, are J. Cheever Cowdin, Standard Capital Co., Inc.; Universal Corp.; Universal Pictures Co., Inc.; Big-U Film Exchange, Inc.; Western Electric Co., Inc.; Electrical Research Products, Inc.; Eastman Kodak Co.; Charles R. Rogers, Jr.; Arthur Rank, George N. Armbryst, Lawrence W. Fox, Jr.; Daniel M. Schaefer; Preston Davis, Paul G. Brown, Willis H. Taylor, Jr.; Ottavio Pickett, Samuel Spring; William S. McKay; Budd Rogers; Daniel C. Collins; Robert H. Cochrane.

The plaintiffs list many charges in their action, some of the most important of which are that Cowdin on Jan. 15, 1935, at the suggestion of ERPI, formed Standard Capital Corp. for the financing of pictures. It is claimed that Standard is wholly under the domination of Cowdin. It is claimed that some time later, Cowdin, Standard Capital, Rank and Rogers joined in a conspiracy to ac-

(Continued on page 22)

10% Net Profit On Chaplin Guaranteed By UA As With 'GWTW'

Seeking 70% straight from the first dollar for "Great Dictator" in emulation of the sales policy which figured for Metro's "Gone With Wind," United Artists is also considering deals under which a 10% guarantee to the exhibitor will be included, it has been indicated to large buyers. Metro also negotiated contracts embracing the 10% profit on an engagement where agreement was reached in advance by both sides on what the overhead would be.

Unofficial buyer opinion expressed is that probably the Chaplin picture is worth the 70% rental demands made, plus increased admissions as with "Gone" because it has a ready-made audience for it and for a long time has received much publicity, buildup, etc.

One of the first "Dictator" deals in negotiation is with Balaban & Katz. Jack Schaefer, western division manager, is now in Chicago discussing it with John Balaban.

Buyers have not yet been informed concerning Walt Disney's "Fantasia" which is being roadshowed at the start by Disney, with special booth equipment a requisite, nor have they received any inkling to date as to what the next move will be with "Gone."

Not expected that "Gone" will be sold on general release until after Jan. 1. Probability is that it will be re-played in theatres formerly booking it but at lower prices. Due to its length, it may not even be offered to many of the lower-quality subsequent-run theatres. Picture has not been promised as a general release item on the 1940-41 Metro program.

Chaplin Set in Chi

Chicago, Oct. 8. Chaplin's "Great Dictator" opens at two Balaban & Katz houses Oct. 31, playing the Apollo on a twice-daily reserved seat policy at a \$1.10 and \$1.65 tap. Pic plays the Roosevelt using same policy as "Gone With the Wind," house scaled at 75c for matinees and reserved seats in the evening at \$1.10.

"Gone" closes its Chicago run Oct. 20 after 39 weeks in the Loop. Woods will revert to former subsequent-run grind policy unless some roadshow pic happens along.

Buck Jones' Col. Serial

Hollywood, Oct. 8. Buck Jones moves over to the Columbia studio Nov. 12 to play the lead in the Larry Darmour serial, "White Eagle."

Currently he is doing a top role in "Riders of Death Valley" for Universal.

BIG BATTLE OF THE BLUE LAWS IN PA. NOV. 5

Philadelphia, Oct. 8.

The biggest test between liberal forces and blue-noses since the enactment of the Sunday film law in 1935 will take place Nov. 5. Rivaling the Willkie versus F. D. R. contest in interest will be the vote on the Sabbath film question to be taken in 141 municipalities in Pennsylvania having a total population of 1,626,237—roughly 20% of the State's total.

In 45 municipalities the 'blue law' adherents will try to reverse the decision of five years ago that permitted Sunday pic. (Under State law vote on the question can be taken at five-year intervals by petition.) In 98 other municipalities the church forces will be on the defensive, fighting to preserve the status quo where Sunday films were rejected in 1935 and the question was revived this year by liberal Sunday proponents. The voting is scheduled to take place in 21 third class cities, 110 boroughs and 10 townships.

The blue law forces, headed by Dr. W. E. Forney, general secretary of the Lords Day Alliance, decided not to revive the issue in the three largest cities—Philadelphia, Pittsburgh and Scranton—where Sunday pic were approved by 2-1 majorities in 1935.

Largest city voting on the Sunday film question is Reading with a population of 111,171, with Allentown, 92,553, ranking second. These two cities rejected Sabbath pic in '35. Three cities which approved the open Sunday five years ago, set for another vote this year are DuBois, Lock Haven and Easton. Other third class cities voting on the question are New Castle, Beaver Falls, Altoona, Butler, Johnstown, Clearfield, Harrisburg, Conneville, Lancaster, Lebanon, Hazleton, Williamsport, Bethlehem and Sunbury. None of these has Sabbath films at present.

The referenda have been authorized in 47 of the State's 67 counties.

RUSH OF COLOR PIX TAX TECHNI CAPACITY

Hollywood, Oct. 8. Technicolor plant, currently working at capacity, is assured of a top load during the fall and winter months by four tinted features now in work and five more slated for early filming.

Laboratory has been busy for several weeks turning out prints of "Northwest Mounted Police" for Paramount; "Down Argentine Way" for 20th-Fox; "Thief of Bagdad" for Alexander Korda, and "Fantasia" for Walt Disney, in addition to the regular run of shorts.

Walsh Sees Red

Hollywood, Oct. 8. Warners assigned Raoul Walsh to direct the James Cagney-Ann Sheridan co-starrer, "Strawberry Blonde." Both principals are redheads.

THEATRES PUT HOUSE IN ORDER

Paradox is a Challenge to Hollywood — Exhibition End Appraises Itself for First Nine Months of 1940 and Sees Proportionate Increase in Net Profit to Offset the Actual Money Downbeat

OFF 2½ TO 5%

Taking the country as a whole, grosses in the film theatres so far this year are running behind the same three-quarters in 1939 but the drop in receipts at the boxoffice is being made up by a proportionate increase in the net profits shown. It's usually the other way around.

More attention to the theatres, tighter operation, enforcement of the best possible policies to suit each situation, general economies effected and improvement in management are cited as among reasons why the money position is better whereas not as many admissions are being chalked up as in 1939.

Striking an average for the country, figures would indicate that grosses the first nine months this year (1940) are off between 2½ and 5%. This is not an alarming drop, particularly in view of the fact that since Jan. 1 last the country and industry, not the least of them films, have been in a hectic state as war advanced. Other uncertainties have also affected attendance and were it not for the fact there have been admission tilts here and there, particularly for "Gone With Wind," the decline might have been greater.

Dollar Goes Farther

Best available figures would show that although not much money is coming in, due to the manner in which theatres are now being operated, the position on earnings is better also by between 2½ and 5%. In other words the decline so far has been met by making each dollar go far enough on the books to fully offset the condition at the box.

While what the theatres are doing may amount to a challenge to Hollywood to put its house in order so that money results on the books will be sufficient to take care of the shrinkage suffered by the film market—in other words spending less so that the earnings will be higher—the Coast no doubt will have a defense to enter.

A higher quality of pictures, keeping the grosses from dipping further than they have, in all probability has figured so far as the theatres are concerned. Better film deals by the buyers is another angle, plus more care in booking. Were the distributors getting more rental, then the money position of the theatres in the face of dwindling grosses would differ according to the deals.

U.S.N. COOPERATIVE NOW

N. Y. Official Making & Easter for Newsreels

Complaints of newsreel companies that any sort of news story concerning the U. S. Navy was delayed in release because of the inadequate censorship setup has produced a new ruling which facilitates such newsreel censoring. By the new order, the Navy Dept. in New York holds open the Navy bureau for censoring up until midnight both Monday and Wednesday (the two newsreel edition days).

Previously there was nobody available at the Navy bureau to look at newsreel pictures after 4 p.m. Consequently any yarn would have to hold over until the next edition, two or four days later.

Film Story Editors Reappraise Inroads from European Literary Market, Decide It's Not Too Acute

Tony Martin for 'Ziggy'

Hollywood, Oct. 8. Tony Martin gets the male lead, surrounded by Hedy Lamarr, Judy Garland and Lana Turner, in Metro's "Ziegfeld Girl" which rolls Oct. 18, with Robert Z. Leonard directing. Studio is dickering with Martin for a term contract.

U. S. STEPS IN ON 'OBSCENE' FILMS

St. Louis, Oct. 8.

U. S. postal and state authorities are seeking to uncover an alleged interstate ring trafficking in obscene films, following a raid last week on a basement cinema in a residence and the seizure of 107 reels and Lloyd V. Hutton, the tenant. Hutton, a shoemaker, who doubled as an exhibitor at night, is held in City Jail in default of \$10,000 bonds on a Federal charge of possessing obscene films shipped in interstate commerce. A state warrant also was issued against him charging possession of obscene films.

A p.o. inspector who accompanied local gendarmes on the raid said he was communicating with Federal agents in other states after Hutton is alleged to have indicated there was widespread traffic in such films. The pinch was made after a complaint was made. Hutton's house was placed under surveillance and numerous express package deliveries were seen made. Cops reported that Hutton had built up an extensive 'library' of obscene films by making copies of those received. His theatre had a seating capacity of 30.

SAG LISTS NOMINEES FOR ADVISORY COUNCIL

Regular slate of nominee for the advisory council of the New York chapter of the Screen Actors Guild was named last week by the nominating committee. Includes Florence Auer (incumbent), Kirk Brown, Jr., Alexander Campbell, Bradford Kirkbride, Nellie Maloney, Gloria Pierre and Florence Richardson (incumbent). Other nominations may be made by petition.

Five council members will be elected, to serve three years. Ballots will be sent out by Oct. 31, and must be returned by Nov. 14. Membership meeting and election will be held Nov. 15 at the Edison hotel, N. Y. During the absence of Mrs. Florence Marston because of illness, Harriett Reynolds, acting as the Guild's eastern representative.

Harry Brown's 'Cruise'

Hollywood, Oct. 8. Associate producer chore on "Caribbean Cruise" at 20th-Fox goes to Harry Joe Brown.

Jack Andrews working on the story, which deals with a tropical treasure hunt.

BARBARA O'NEIL'S PLAY YEN

Barbara O'Neil arrives from the Coast by plane this week. She'll remain at least two weeks, possibly staying indefinitely if she can get a suitable play. She's the wife of Joshua Logan, who's currently directing the revival of "Charley's Aunt."

Actress is under contract to Warners.

Survey of story departments, with the conclusion of the first year of war in Europe, discloses that major film companies have suffered little by the tremendous decline in the output of books, plays and originals from the continent and England. Although the studios have for years combed the trans-Atlantic literary markets for material, quantity of stuff bought abroad has been small in comparison to the total number of properties purchased each year and story eds are not perturbed by the decline.

At present, the only foreign novels, plays or originals arriving in this country at all are coming from England. The three companies that have had London story departments in the past are still maintaining them, although with skeleton staffs. They are Paramount, Metro and 20th-Fox. Before the war, Metro also had offices in Vienna, Paris, Budapest, Madrid and Amsterdam. Par and 20th likewise maintained literary outposts in several European cities, although not extensively as Metro. All of these offices are now shuttered.

First year of war has had a limited effect on story material, of course, because much of what was submitted was written before the conflict started. However, noticeable trend has been away from fiction toward biographical and other serious books. A five-year trend toward 'psychological' stories and plays has also been accentuated by the holocaust. Effect of the war on the type of writing has been felt just as strongly in the U. S. output as in Europe.

British Little Bothered

Although Hitler's total war of the past four or five weeks may considerably change the situation, quality of production by English authors does not appear to have been affected.

(Continued on page 22)

Atlas (Odium) Picks Up Considerable RKO Stock, S.E.C. Discloses

Washington, Oct. 8.

Substantial Atlas Corp. (Floyd B. Odium) purchases of RKO paper in August were spotlighted last week in the Securities & Exchange Committee report on market operations of corporate insiders. Review also showed activity on the part of Universal Corp. ground floor tenants.

In five lots, Atlas picked up 3,228 pieces of Radio's 1st common and 1,400 shares of the 6% convertible preferred disclaiming beneficial ownership of the paper. Biggest deal was acquisition of 1,600 common duets on Aug. 5. At the month-end the investment trust held 594,318 pieces of common and 32,081 preferred. Statement also revealed holdings of Radio Corp. of America embrace 555,254 common warrants and 44,757 converted shares, with the parent reporting that during August it received as creditor 928 shares of common, boosting the total of this issue to 317,256.

J. Cheever Cowdin reported purchase of 350 voting trust certificates for Universal Corp. common while Charles D. Prutzman picked up 330. This gives Cowdin 4,850, in addition to his stake in the 26,500 held by Standard Capital Co. The S. E. C. also revealed that Samuel I. Posen in June acquired 100 shares of Universal Pictures common, supplementing former holdings of 50 shares of preferred.

Only other film company stock transaction shown in the latest Government summary was acquisition of 38 more shares of Loew's Boston Theatres' common by the parent company. As result of prolonged buying campaign, Loew's Inc. now accounts for 117,474 of the subsidiary's paper.

South Bend Pilgrimage on 'Rockne'

By WB An Impressive Selling Job

By ARTHUR UNGAR

South Bend, Ind., Oct. 8. Warners has achieved top-notch position of salesmanship and exploitation in a campaign and presentation here of 'Knute Rockne, All-American,' in the home of the great Knute and in view of the gold dome of Notre Dame. Picture missions to locale or epical spots in the past were virtually dwarfed by the magnitude and dignity of this expedition from all corners of the United States of personalities, notables, dramatic, film and sports press.

It was a well prepared and executed sales job of four weeks duration, drew some 35,000 out of towners into South Bend and cost Warners around \$20,000, with the local committee who cooperated, pitching in an extra \$12,500. Result was most fruitful in publicity and news breaks. There was not an angle missed in their magazine, newspaper or radio tieups, and even the social element toward making the belated public acknowledgment of Rockne, nine years after his death, via the screen version of 'Fantasia,' forthcoming feature cartoon release. He'll be accompanied by Richard E. Condon, publicity chief, and Jack Pegler, of ad agency handling the account. They'll be back about next Thursday (15).

From Thursday on

when the visiting contingent met in Chicago after coming by train and plane from all corners of the country to descend on South Bend one big special train, until the last person departed Saturday following the Notre Dame College of Pacific game, it was a continuous selling program for the picture itself and the industry besides. Headman Charlie Einfeld, Bob Taplinger and their bunch of boys did a most thorough job from beginning to end. They missed nothing and grabbed plenty for free.

The Hollywood contingent in the main pulled out of Los Angeles Tuesday night (1) on the Super Chief with others following by plane. It was first time a picture company had streamline transportation for its missionaries, with half the train being turned over to them. En route to Chicago there were no programmed appearances or ballyhoo stunts, but the fans were at all stations and the writing hands of the players were plenty cramped from inscribing autographs. But when it came to Chicago Thursday afternoon, and east met west for the assault on Notre Dame campus, the battery of publicity and exploitation stunts were unleashed to continue for a solid 52 hours.

12-Car Special Train

The arrival of the 12-car special in South Bend was the biggest thing the town has ever had and the reception and greetings at the Union (Continued on page 54)

Birdwell In and Out

On 'Bagdad' Campaign

Publicist Russell Birdwell planned into New York last week (2) and back to the Coast three days later after confabs with United Artists and eastern executives of Alexander Korda on pub-ad campaign for 'Thief of Bagdad.'

Birdwell also made final arrangements for initial showing of 'Bagdad' for infantile paralysis victims at Warm Springs, Ga., Monday (14). Mike Beck, Birdwell's N. Y. rep, flies down Saturday (12) and will be joined by Sabu and June Duprez, of the cast.

That Personal Touch

Minneapolis, Oct. 8.

Most novel newspaper ad for a film seen here in a long time had the State publishing snapshots of all its 28 employees and an 'enthusiastic' endorsement by them of 'Strike Up the Band.'

Previous ads along such lines have had only the house manager's plug. This ad, headed 'An Urgent Personal Message to the People We Make Happy' was a three-column, 12-inch long affair and the employees' names were listed under their photos.

Peace, It's Wonderful

Chicago, Oct. 8.

Tom Gorman, RKO theatre division chief here, pulled a polyantha in his advertising with resultant good boxoffice returns for the Palace, dualing 'Dance, Girl, Dance' and 'Argentine Nights.' He advertised them as 'all laff week,' footnoted by 'positively no bombing or war pix, you'll find only joy, laughter and happiness here this week.'

In opposition to 'The Westerner,' Mickey Rooney and 'Seawhale,' the Pal will sell almost \$15,000, excellent business.

Horne, Condon, Pegler's Coast Hop for 'Fantasia'

Hal Horne, Walt Disney's eastern rep, will fly to the Coast tonight (Wednesday) to catch the finished version of 'Fantasia,' forthcoming feature cartoon release. He'll be accompanied by Richard E. Condon, publicity chief, and Jack Pegler, of ad agency handling the account. They'll be back about next Thursday (15).

Trio will arrive in time to see the pic just a few hours before RCA engineers dismantle the sound equipment preparatory to beginning installation in the Broadway, N. Y., where 'Fantasia' opens Nov. 13.

'NORTH WEST MOUNTED' PREEMS IN CHI OCT. 24

American premiere of 'Northwest Mounted Police' will be held at the Chicago, Oct. 24 with Cecil B. DeMille, Gary Cooper, Madeleine Carroll, Paulette Goddard, Preston Foster, Robert Preston and Lynne Overman coming on from the Coast to make personal appearances. There will be a 45-minute Coast to Coast broadcast of the opening over a Mutual hookup of 131 stations with DeMille acting as m.c. For a week preceding the preem there will be spot announcements on the picture, also over the Mutual web.

British officials, Canadian dignitaries and commissioners from most British dominion countries will be honor guests tonight (Wednesday) at the Canadian building at the New York World's Fair when 'Northwest' will be shown foreign press representatives. Special screening is being held through the cooperation of the Canadian government.

Regina Plans Tab Special

Regina, Sask., Oct. 8. To celebrate world preem of 'Northwest Mounted Police,' due here Oct. 21, Regina Leader-Post will publish a 40-page tabloid picture supplement to issue of Oct. 19.

Supplement, which will be distributed all over Canada and in border states of U. S., will mark the first time the RCMP, today's successors of Northwest Mounted Police, has ever permitted itself to be publicized in this way.

Distributors' Key City Reps To Aid In Red Cross Drive

In helping local committees of theatre owners and theatres in the organization and conduct of the Red Cross campaign by the film industry next month in each distribution zone, Major L. E. Thompson, general chairman of the film business drive, has named district coordinators in key territories. This was done with the approval of home offices in distributors.

These men will take charge of this part of the campaign in their respective territories with the aid of other branch managers in the zone.

Lansing's Newest

Lansing, Mich., Oct. 8. Lansing's new Southtown, the second neighborhood film house to be constructed here within a year, will open about Oct. 20, announces E. C. Beatty, president and general manager of the Butterfield Theatres, Inc., which operates six houses here at the present time.

Press Stunt Backfires When Monkey Escapes

Minneapolis, Oct. 8.

A publicity stunt of Manager Bill Sears of the Orpheum, involving the gift of a pet monkey in Laurel and Hardy's behalf for the winner of a contest to name the new column which Merle Potter, film editor, has started, the Times-Tribune, resulted in some slight injuries and plenty of grief for Sears, but landed a front-page yarn.

Potter has been listing and commenting in his column on the numerous gifts contributed by publicity-eager people to be awarded to the contest winner and, with Laurel and Hardy coming into the Orpheum in person, Sears conceived the monkey idea. The animal was purchased and brought to the theatre where it ran amuck. It attacked and scratched up Sears and escaped into the recesses of the empty space among the rafters over the theatre balcony.

After three days, the monkey is still at large somewhere in the theatre and without food or drink. The opening into the rafter space is being constantly guarded so that the animal cannot dash into the auditorium proper.

PAR'S OUTSIDE PUBLICITY MAN FOR RADIO

Paramount during the current season will rely almost entirely on the Tom Fisdale publicity outfit for radio plugging of its pix. Fisdale was awarded a yearly part to work on all of its films by Par after he did a test publicity-exploitation job on 'Dr. Cyclops' last spring.

Aside from handling virtually all the radio work, Fisdale is confabbing regularly with Par execs on general publicity for each picture as it comes up. Publicity outfit is acting mostly as a consultant, however, outside of the radio field, the regular Par press department handling actual work on most of its suggestions.

Grape-Crushing Stunt For Lombard-Laughton

San Francisco, Oct. 8.

RKO is giving 'They Knew What They Wanted' a traffic-blocking stunt at the Golden Gate tonight (Tuesday) with 20 lions in costume crushing five tons of grapes in a 24-foot vat spotted in middle of Golden Gate avenue. Street roped off at 5 p.m. in preparation for stunt, lensed by three newsreel crews, Pathe, Paramount and Universal. Two bands, one perched atop the Gate marquee, will add live to the fiesta atmosphere, arranged through tieup with Beringer Bros. of St. Helena, whose vineyards were used in filming the Laughton-Lombard opus.

Laughton personals on the stage tonight with Leon Errol, ZaSu Pitts, Linda Hayes, Olympe Bradna, Guy Kibbee, Simone Simon, Ann Shirley and others. Yesterday (7) Laughton was host to 300 critics from as far east as Denver and as far north as Seattle who saw sick at private screening in Larkin theatre, rented from Herbert Rosener for the purpose. Terry Turner and Louis J. Allen, of RKO New York office, handling affair. Tomorrow (Wednesday) Turner will start homeward trek, making 26 stops en route, which will have Laughton making a personal appearance in a different town every day.

'After School Matinees'

Detroit, Oct. 8.

Loath to lose that school children business, the Vogue here has started a policy of 'After School Matinees,' starting at 3:30 p.m., which it is expected will get the theatre around the city ordinance here against youngsters attending pix during school hours.

First of the programs started this week is aimed directly at the small fry with 'Anne of Windy Poplars,' Hopalong Cassidy 'Stage Coach War' and cartoon comedies.

Several Houses Reopen For New Season; Theatre-Exchange Items

Buffalo, Oct. 8.

Lincoln, Manlius, dark since spring, to be reopened Oct. 15 by H. J. Rathburn.

Del Rio, Falconer, closed since spring opens this week under new management.

Arcade, Sodus, renamed the Sodus, will be managed by Maurice R. Slotnick also operating the State, at Caledonia.

Webster, Rochester, added to the Schine chain. Max Vogel, former operator, goes to Schine with the deal.

Byron Interbitten, former operator of the Star, Buffalo, purchased the Centre Park from the Konczakowski chain. New management will open this month with new seating, projection and sound.

Movie Guide, official program and house organ of all Shea-Paramount houses, celebrated its fifth anniversary last week. Maurice Osterman continues as editor.

George Lynne, buyer for Schine, married at Gloversville Oct. 5 to Marian Kearney, daughter of Major General and Mrs. Bernard J. Kearney.

New Gem, Brockton, reopened by the American Legion. Legion, at Wayland, now operating under aegis of Barney Hoffman.

Lake, Clevel., Resumes

Cleveland, Oct. 8.

Warner's downtown 900-seater Lake kept under wraps for nearly a year, was reported with 'Pastor Hall' (UA). Ben Schwartz appointed manager, Steve David assistant of house which goes into policy of dualled first-runners after 'Pastor Hall.'

Irving Ruben, assistant manager Warner's Colony, married to Dorothy Ferris, non-arrest in Cleveland. Lew Milder, Variety manager, in hospital suffering from back wrench when he picked up a heavy can of film.

Variety Club holding its first fall jamboree Nov. 5, with Bert Stearns as chairman of the event which will include a dance, prize, and raffle with a \$1,000 prize. Mr. Goodman will be chairman of club's Monday stage night programs.

Jack Lykes' shift from Loew's Stillman here to manage the Valentine Theatre, Cleveland, changes made in Loew personnel by Charles Raymond, zone manager. Ted Teschner, former assistant at State, promoted. Lykes' post, with Harold Shulteis from Park as his new aide. Robert Yodice succeeding Teschner and Silvester Pierce made assistant at Park.

Bill Lando Reopening

Pittsburgh, Oct. 8. William Lando is making plans to reopen his Bando-Grand in Hill district within next few weeks. House was last operated as a picture house by Steve Dascalos, who spent \$4,000 remodeling and dropped a bundle on the venture. Since then spot has reverted to its original owner, Lando. Now the Greenfield avenue, the Park, finally got away over the weekend. House operated by Herbert L. Perer and a cousin, Nathan H. Perer.

Charles C. Baird, son of the manager of the Rivoli, Portage, Pa. (Ray Allison circuit), and a captain in the coast artillery reserve, has reported for active duty at Mitchell Field in New York.

Briefs: The Sol Goldbergs are divorcing. He's the former Elkins, W. Va., exhib, now an auto salesman in Sawyer Park, Alameda. American Marshall Goldberg... Also dissolving are the Ray Wheelers. He's manager of the State. Jimmy Totman, asst. to publicity head Joe Feldman, Warner Club's new presy. Variety Club has resumed its weekly Friday Family Nights for fall and winter season.

Mott Shea interests, managing Fulton theatre here for Hyde-Benham group for several years, now exclusive operators of first-run film site. Deal consummated last week makes Shea outfit sole controllers of spot, taking over everything, including long-term lease on Fulton from a local estate. Under new setup, John Walsh, a Shea man originally, stays on manager.

Norbert Stern and George C. Davis, who opened Pittsburgh's first drive-in theatre near entrance of South Park several weeks ago, plotting second drive-in in this district for next spring. They've already picked their location, on the Lincoln Highway near East McKeesport, about 15 miles from downtown area.

Saul Gottlieb, Harry Fendrick and Milton Brauman, M-G local salesmen, all knocked down cash prizes in company's most recent sales drive. In addition to several years, district sales manager who headquarters here, was another dough-winner.

Briefs: Mother of Joe Belle, with WB in Greensburg, died last week. Lou Ponsetta, Jr., 11-year-old son of the Apollo exhib, broke both his arms recently playing Tarzan...

Alvin manager Bill Zellor vacationing and Ken Hoel subbing for him in Harry Honey exchange booker and theatre manager, has joined his wife, Mary Roney, in Los Angeles, where she's with the Rep exchange... Larry Puglia, Waynesburg exhib, and Larry Neamat, Natrons exhib man, both out of the hospital. M-G fans tossed a shower over weekend for three recent brides from their office, Thelma Bruno, Lucy Armstrong and Sylvia Hurwitz.

Toledo Rivoli Opens

Toledo, Oct. 8. Opening of the completely redecorated Rivoli, scheduled for Oct. 11, Howard Feigley, manager. House was not closed during repairs.

Voted Into Manager's Job

Detroit, Oct. 8. Now it is petitions which get theatre managers jobs. When the Moss Bros. put up their new Parkside here and were getting ready for its opening, persistent letter writers from the stores nearby asking that they appoint Edward Jacobson as the house manager.

Hundreds of citizens signed the petition. As a result Jacobson, who formerly managed the Harmony in the same neighborhood, now is running the Parkside.

2 Out At Schine

Rochester, N.Y., Oct. 8. Another shift of Schine managers brings Sam Shafer back from Herk County, where he managed the Joe Deacon, Dixie, and Harry Rockowitz, Lake, resign, with Bob Meagher taking over the Lake, open only Saturday and Sunday, in addition to his advertising and radio chores.

George McGunnigle comes from Boston as assistant manager of Loew's Rochester, succeeding Edmund Howard, who transferred to Loew's State, Boston. Majestic, Rochester, resuming operations Oct. 15.

Blinson's 30th Anni

Lufkin, Texas, Oct. 8. Last week in this city was 'Appreciation Week' in honor of the 30 years of service of the Blinson city manager for the East Texas Theatres, Inc. Group has three houses here, the Lynn, Pines and Texan. Blinson started in show biz at the Palace here.

Bob Euler's Post

Mission, Texas, Oct. 8. Bob Euler, who managed the R. N. Smith and B. R. McLendon theatres in Dallas for the last four years, has taken a post with the Smith Theatre headquarters in the Smith town, includes this city, Raymondville, Donna and Fairburn, all in south Texas.

Howard Baskin, who has been taken over by the Griffith interests recently, will take over post vacated by Euler who was booker for the Smith and McLendon theatres.

Pfeiffer Retaining

Kenton, O., Oct. 8. Henry J. Pfeiffer, in the business here for 40 years, completed details for sale of the Ohio and lease of the building to W. D. Ward, of Cambridge, O., and Detroit. Pfeiffer plans to retain his home here identified with amusements for 34 years.

Case's Appointment

Syracuse, Oct. 8. Robert W. Case, veteran of Syracuse neighborhood houses, now business manager of the Civic University Theatre for 1940-41, appointed by Sawyer Park, Alameda, dramatic activities at Syracuse University, which maintains the civic. He will be in full charge of business arrangements for the various university productions as well as the house management at the Civic. Case has managed the Harvard and Happy Hour for the Smith chain here. Remodelled, RKO Schine's first neighborhood house in Syracuse, the Palace, formally reopened.

Wall's Brookline, Mass., Spot

Brookline, Mass., Oct. 8. Thomas F. Wall, shifts manager of the Capitol, Allston, to the new Circle, Brookline, Mass., to be opened by M & P Theatres Oct. 12.

Zimmerman's Sale

Berkley Springs, W. Va., Oct. 8. Vance Zimmerman, sold the Ideal to the Alpine Theatre Co. of Kingwood, W. Va. who has a chain of theatres in small towns.

Kassar's Sell Drive-In

Houston, Oct. 8. The Texas Drive-In, Houston's only open air theatre, sold last week to C. C. Ezell and W. G. Underwood, of Dallas, for \$40,000 cash. Nick Kassar, who has a chain of drive-ins in Corpus Christi and Texarkana, built the theatre here, which has a capacity of 475 cars. Ezell and Underwood are distributors Texas for Republic Pictures and also own a large interest in a San Antonio theatre in pool with Interstate.

Chi Gets Film Power, B.O.s Spurt; Band Forte 17G, 'Comedy'-Vaude Fine 33G, Breese Orch-'Night,' 16G

Chicago, Oct. 8. Theatres currently are parading a picture lineup that is considerably better than has been usual the past few weeks. And those houses which haven't flicker power have a good stage attraction for boxoffice strength.

Palace put on a bangup campaign for its combination of 'Dance, Girl, Dance' and 'Argentine Nights,' and it's resulting in b.o. happiness for two pictures which weren't expected to turn in much trade.

Chicago is edging towards a good take with 'No Time for Comedy,' United Artists, where 'Strike Up the Band' got underway Saturday (5), is a clinch for a good take, as is the presence of Mickey Rooney and Judy Garland. Lou Breese's orch is an asset in the State-Lake.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-65-75)—'Pastor Hall' (UA) (3d wk). Anti-Nazi flicker is holding to a satisfactory take currently, following plenty of pre-opening publicity because of original ban by the censors. Taking \$8,000, strong, after healthy \$14,000 last week.

Chicago (B&K) (4,000; 35-55-75)—'Time Comedy' (WB) and stage show. Adult and femme patronage adding up to \$3,000, which is okay after several disappointing sessions. Last week, 'Brigham' (20th) and vaude, limp \$25,000.

Garlick (B&K) (900; 35-55-65-75)—'Sea Hawk' (WB) (2d wk). Third week in the loop for this one, looks for \$4,000, good, after fine \$6,000 last week.

Oriental (Jones) (3,200; 28-44)—'Secret Seven' (Col) and vaude. Ina Ray Hutton band on the stage. Going for good \$16,000. Last week, 'Faces West' (Rep) and Dead End Kids and Little Tough Guys on stage, okay \$14,600.

Palace (RKO) (2,500; 33-44-66)—'Argentine Nights' (UA) and 'Dance, Girl, Dance' (RKO). Double feature sold solidly by Tom Gorman and box-office reflects this campaign with happy \$14,000. Last week, 'Red Wine' (U) and 'Mummy's Hand' (U), fine three-week stay to bang-up \$7,800.

Roosevelt (B&K) (1,500; 35-55-65-75)—'Westerner' (2d wk). Bright money for this house opera, going to \$7,500, good, after healthy \$11,900 last week.

State-Lake (B&K) (2,700; 28-44)—'Drive Night' (WB) and Lou Breese orch on stage and helping to good \$16,000. Last week, 'Sporting Blood' (M-G) plus Bruce Cabot, Sidney Miller and the Ebensons, okay \$15,600.

United Artists (B&K-M-G) (1,700; 35-55-65-75)—'Strike Up the Band' (M-G). Opened Saturday (5) and looks for smash business from the get-away, which means at least \$17,000 for the initial session. Last week, 'Boomtown' (M-G) at 55-65-85, finished five weeks to \$7,900, strong.

Woods (Essaness) (1,200; 75-110-185)—'Gone' (M-G) (37th week). Continues on and on with practically no break in the steady steady pace of profitable trade, looking for \$7,500 this week, after \$8,000 last week.

'WESTERNER' \$13,000 ON MALE PLAY IN PROV.

Providence, Oct. 8. Well balanced bills have most stands on the upbeat, with 'The Westerner' riding the crest at Loew's State and 'City for Conquest' holding up nicely at Majestic.

'Strike Up the Band' still beating it up in its second week switch to downtown City.

Estimates for This Week
Albee (RKO) (2,200; 28-39-50)—'Spring Parade' (U) and 'Men Sky' (RKO) (2d wk). Holding first week pace with butch trade, looking for \$5,500. Opening stanza, swell \$7,200.

Carlton (Fay-Loew) (1,400; 28-39-50)—'Strike Up the Band' (M-G) and 'Dulcy' (M-G) (2d wk). Popularity of Rooney is evidenced by hefty jump of house to take of swell \$6,000. Last week 'Howards Virginia' (Col) and 'Cross Country Romance' (RKO) (2d run), okay \$3,500.

Fay's (Indie) (2,000; 15-28)—'Gay Caballero' (20th) and 'Nobody's Sweetheart Now' (U). Paced at good \$7,500. Last week 'Mummy's Hand' (U) and 'Tulsa Kid' (Rep), fair \$3,000.

Majestic (Fay) (2,200; 28-39-50)—'City Conquest' (WB) and 'Calling All Husbands' (WB). Both are stepping up take to strong \$8,500. Last week 'No Time Comedy' (WB) and 'Yesterday's Heroes' (20th), before \$5,500.

State (Loew) (3,200; 28-39-50)—'Westerner' (UA) and 'Sky Murder' (M-G). Getting hefty coin, but the play is mainly on the male side of

the ledger. Good \$13,000. Last week 'Strike Band' (M-G) and 'Dulcy' (M-G), sky-high \$18,000.
Strand (Indie) (2,000; 28-40-50)—'Private Affairs' (U) and 'Ski Patrol' (U). Nothing too attractive and playing to poor \$4,000. Last week 'Starback' (Par) and 'Earl Puddleston' (Rep), ditto.

SPITALNY A LIFT IN INDPLS. AT \$12,000

Indianapolis, Oct. 8. Biz this week is about evenly divided among the downtown houses, with Loew's doing okay with a hold-over of 'Strike Up the Band,' duelled with 'Secret Seven.' Circle is healthy with 'No Time for Comedy' and 'Tom Brown's School Days.' Indiana is also stepping along with 'City for Conquest' and 'River's End.' Polio is mixed, a Marjorie 'Judge Priest' with a current release of 'Night Train,' still adhering to the Sunday opening.

Lyric is robust for a change with credit going to Phil Spitalny's 'Hour of Charm' and not much help from 'Queen of the Yukon' on the screen. House hung the marquee with animal skins and had a boy out front in an Eskimo outfit to plug pic, which is radical departure from the dignity which spot has maintained in past.

Estimates for This Week
Apollo (Wiest) (1,100; 25-30-40)—'Judge Priest' (20th) (revival) and 'Night Train' (20th). Fair \$2,100. Last week 'Lost Horizon' (Col) and 'Awful Truth' (Col), \$2,000.
Circle (Katz-Dolle) (2,600; 25-30-40)—'No Time Comedy' (WB) and 'Tom Brown' (RKO). Very nice \$8,500. Last week 'Mummy's Hand' (U) and 'Argentine Nights' (U), fair \$6,300.

Indiana (Katz-Dolle) (3,100; 25-30-40)—'City Conquest' (WB) and 'River's End' (WB). Okay \$7,000. Last week 'Spring Parade' (U) and 'Men Against Sky' (RKO), \$6,800.

Loew's (Loew's) (2,400; 25-30-40)—'Strike Up the Band' (M-G) and 'Secret Seven' (Col) (2d wk). Nice \$8,500. Last week, dandy \$12,500.

Lyric (Lyric) (1,900; 25-30-40)—'Queen Yukon' (Mono) and Phil Spitalny's orch. Profitable \$12,000. Last week 'Hut' (M-G) and Ozzie Nelson's orch, disappointing \$9,800.

Rooney-Garland H.O. In Denver at \$13,500

Denver, Oct. 8. 'Strike Up the Band' and 'Men Against the Sky' are packing them in to the top town.

Double will hold over.

Estimates for This Week
Aladdin (Fox) (1,400; 25-40)—'Foreign Correspondent' (UA). After a week at the Denver, fair \$3,800. Last week, 'Brigham Young,' after a week at the Denver, nice \$4,000.

Broadway (Fox) (1,040; 25-35-40)—'Wyming' (M-G) and 'Queen of Destiny' (M-G). After a week at the Orpheum, s.g. \$2,000. Last week 'Boom Town' (M-G), nice \$3,000; 2d week here after two at the Orpheum.

Denham (Cockrill) (1,750; 25-35-40)—'Cherokee Strip' (Par). Poor \$4,000. Last week 'M-G' (M-G) and 'Starback' (Par) got at \$3,000 for six days.

Denver (Fox) (2,250; 25-35-40)—'Howards' (Col) and 'Nobody's Sweetheart' (U). Fair \$3,500. Last week 'Foreign Correspondent' (UA), good at \$10,000.

Orpheum (RKO) (2,600; 25-35-40)—'Strike Up the Band' (M-G) and 'Men Against Sky' (RKO). Big \$13,500, and holding, particularly due to Judy Garland-Mickey Rooney starter.

Paramount (Fox) (2,200; 25-40)—'Captain Caution' (UA) and '3 Men Texas' (Par). Fair \$2,500. Last week 'Girl Ave. A' (20th) and 'Won't Talk' (Col), good at \$4,000.
Rialto (Fox) (878; 25-40)—'Brigham Young' (20th), after a week at each the Denver and Aladdin, good \$2,000. Last week, 'Stayed for Breakfast' (Col) and 'Lion Wings' (UA), after a week at each the Denver and Aladdin, good at \$2,000.

First Run on Broadway (Subject to Change)

Week of Oct. 10
Astor—'Gone With the Wind' (M-G) (43d wk).
Capitol—'Strike Up the Band' (M-G) (3d wk).
Criterion—'Wyoming' (M-G) (2d wk).
Globe—'Pastor Hall' (UA) (4th wk).

Muscle Hall—'They Knew What They Wanted' (RKO).
(Reviewed in Current Issue)

Paramount—'I Want a Divorce' (Par) (2d wk).
Rialto—'I'm Still Alive' (RKO).

(Reviewed in Variety Oct. 2)
Rivoli—'Long Voyage Home' (UA) (8).

(Reviewed in Current Issue)
Roxby—'Spring Parade' (U) (2d wk).

Strand—'City for Conquest' (WB) (3d wk).
Week of Oct. 17

Astor—'Great Dictator' (UA) (15).
Capitol—'Great Dictator' (UA) (15).

Criterion—'Golden Fleeing' (M-G) (16).
(Reviewed in Variety Aug. 21)

Globe—'Captain Caution' (UA).
Muscle Hall—'They Knew What They Wanted' (RKO) (2d wk).

Paramount—'Arise My Love' (Par) (16).
Rivoli—'Long Voyage Home' (UA) (8).

Roxby—'Down Argentine Way' (20th) (18).
Strand—'Knute Rockne—All American' (WB) (18).

(Reviewed in Current Issue)

'CONQUEST' FINE \$14,000 IN PITT

Pittsburgh, Oct. 8. Biz locally seems to be picking up considerable slack at the moment. End of district saying helping some and fact that those big weekend football crowds, when Pitt was a gridiron great, are missing isn't hurting any either. Anyway, boys are served there and particularly with takings very favorable on just good pix and not standouts.

'City for Conquest,' at Stanley, and 'Hired Wife' at Alvin are leading the parade. Well-liked by critic and public's backing reviewers up for a change. Both films are slated for h.o. 'Strike Up the Band' is doing nicely in second week at Penn and will likely move over there for a third, while 'Gone With the Wind' on twinner with 'Dance, Girl, Dance,' is surprisingly pleasant at Warner. Ritz getting by with 'Foreign Correspondent' on move over from Stanley, with only the Fulton dipping into the red, on 'Public Deb' No. 1.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50)—'Hired Wife' (U). Off to start and, with heavy winning Bank Nights from Thur.-Fri. to Mon-Tues., certain to wind up strong. Should have no trouble collecting \$10,000, which means second week, looking for \$11,000.

Big disappointment at \$7,000 and way in red considering cost of campaign, etc.

Fulton (Shea-Hyde) (1,700; 25-40)—'Public Deb' (20th). Not much excitement over this. May pull around \$4,000, n.g. Last week 'Brigham Young' (20th), got four days of h.o. week and abbreviated session knocked down around \$2,100.

Penn (Loew's-UA) (3,300; 25-35-50)—'Strike Up the Band' (M-G) (2d wk). H.o. at this site was decided on at last minute and not a bad decision. Looking for \$11,000, pretty good. Last week \$19,000, big.

Ritz (WB) (800; 25-35-50)—'Foreign Correspondent' (UA). Moved here from Stanley, management figuring flicker didn't get what it deserved there and might have a chance of building on word-of-mouth. Still not up to expectations, but giving small-seater profitable here at \$2,500. Last week 'Boom Town' (M-G), fourth downtown week at advanced prices, great \$3,800.

Stanley (WB) (3,600; 25-35-50)—'City for Conquest' (WB). Boys went to town on this one and overboard for Cagney, also pointing out that Stanley was a good bet. Some local interest as well through screen debut of Arthur Kennedy, graduate of Carnegie Tech drama school. Stays for eight days to get house back to Ford opening with 'Knute Rockne' (WB) and should do \$14,000 at least. Last week 'Correspondent' (UA) around \$12,000.

Warner (WB) (2,000; 25-40)—'Great McGuy' (Par) and 'Dance, Girl' (RKO). Paced for \$5,000, swell here for a double bill, and the newspapers can be thanked. Last week 'Westerner' (UA) on move-over from Penn, fine \$5,200.

Durbin Smash \$62,000, B'way Firm; Cagney-Byrne Band \$35,000, 2d Week, Mickey-Judy 40G, Bing-Reisman 19G

(Best Exploitation: Roxby)

Deanna Durbin was away from town a pretty long time but when she checked back into New York last week a real welcome awaited the young Universal star. Her 'Spring Parade' came into the Roxby Thursday (3) and they've been kept busy up here ever since counting the admissions. They will total around \$62,000 on the first week, biggest house has done this year.

Only other major first-run opening this week was 'I Want a Divorce' at the Paramount, which has Frankie Masters, Jane Froman and the Three Stooges in person. Finding the going slower than anticipated, the first seven days through last night (Tues.) was only \$35,000, pretty mild but profitable. Par holds over, with the second (final) stanza beginning today (Wed.).

The Jewish holidays (New Year's Thursday and Friday) (3-4) fell nicely for the theatres and are credited largely with the strong grossing business, rather in a modest way. Despite the more than 600,000 drawn to the World's Fair on the two days, the weekend was generally very good with Saturday (5), which beat Sunday (6), being unusually heavy at the box.

'Strike Up the Band' is continuing powerfully at the Capitol and on its second week, it had, may hit close to \$40,000. It got a little over this during the first seven days. The difference may have been created by the fact that Mickey Rooney was at the State in person against the initial week of 'Strike Up the Band.' On his stage engagement at the \$150,000, State he came close to \$45,000, best non-holiday week in the history of the house.

Using \$44,000 the first week at the Strand, 'City for Conquest' and Bobby Byrne are sailing along at a good pace for around \$35,000. The show goes a third week, but today Bobby Byrne is expected to remove an appendix that has been bothering him for some time. Guest conductors will pilot his band.

Muscle Hall looks to a possible \$73,000, okay, with 'Howards Virginia' closing in on \$60,000, going to night (Wed.). Added to the first seven days \$35,000, a satisfactory profit is shown in spite of tough competition around town, the past fortnight. Hal Roach's 'They Knew What They Wanted' tomorrow (Thurs.). RKO itself has been taking advance ads on the film.

The Rivoli last night (Tues.) used the first seven days' advance ticket sales to make the first week of 'Foreign Correspondent' that has been highly successful, totaling close to \$150,000. The concluding (6th) week, at \$15,000, almost matched the prior stanza when the gross was \$16,000.

'Rhythm on the River' and Leo Reisman are at the State but considerable quiet prevails after Rooney left. Indications point to about \$18,000, fair.

Tickets went on sale at the Astor and Capitol Monday (7) for 'Great Dictator,' which opens Tuesday night (15) at both houses. Large lines formed at an early hour and the box office was swamped. The Astor handle the crowds. The mail order sale has also been heavy. The Chaplin picture runs 135 minutes and will go to the 22 top Astor, up to the Capitol six and seven shows may be managed as compared with 'Gone's' four-a-day. 'Gone,' which closes at the Astor Sunday night (13), shot away up in gross last week, gleaming \$14,700.

Universal and the Roxby steps to the front this week on exploitation in behalf of 'Spring Parade.' Among other things, the word is effective. Astor (1,012; 75-85-110-165-220)—'Gone' (M-G) (43d final week). When up went the closing notice up also went the gross; last week \$14,000, this week \$14,000, \$9,900 the previous week. Closes Sunday night (13) after an amazing run, 'Dictator' (UA) coming in Tuesday night (15).

Capitol (4,520; 35-40-55-75-110-125)—'Strike Up the Band' (M-G) (2d week). Went over \$40,000 the first week when Mickey Rooney was at the State in person, but tees off on the holdover so strong that the gross more than close to \$40,000 figure, thus fancy profit on the first 14 days. Continues through Sunday (13), with 'Dictator' (UA) having special reserved premiere Tuesday evening (15).

Criterion (1,862; 25-40-55-65-85)—'Wyoming' (M-G). Wallace Beery western, originally slated for the Cap, exceptionally well here, knocking out \$14,000 the first seven days, ending last night (Tues.). Holds starting today (Wed.). In ahead 'Goodbye, Mr. Chips' (M-G), on four days only \$2,000, terrible.

Globe (1,160; 25-35-55)—'Pastor Hall' (UA) (3d-final week). About

\$7,500 this week (3d), o.k., after nabbing \$10,000 last week (2d) and \$12,000 the first. Holds.
Palace (1,700; 25-35-55)—'Hired Wife' (U) (2d run) and 'Money and Woman' (WB) (1st run), dualed. About \$8,600 looks tops for this pair. Last week 'Lucky Partners' (RKO) (2d run) and 'Beyond Tomorrow' (RKO) (1st run), coupled, \$8,500.

Paramount (3,664; 35-55-88-99)—'I Want a Divorce' (Par) and Frankie Masters, Jane Froman, Three Stooges (2d-final week). Begins closing round today (Wed.) after first seven days take of only \$35,000, quite disappointing but, as show is scaled, okay profit. Last week, second for 'Rangers of Fortune' (Par) and Jan Savitt-Andrews Sisters-Jerry Lester, \$25,500, satisfactory.

Radio City Music Hall (5,980; 40-60-84-99-155)—'Howards' (Col) and stage show (2d-final week). All right on holdover at \$73,000 or close; first week \$35,000, good. 'They Knew What They Wanted' (RKO) opens tomorrow (Thurs.).

Rialto (750; 25-40-55)—'Diamond Eyes' (20th). This suggests around \$7,000, good. Chan at 'Wax Museum' (20th) was \$5,700.

Rivoli (2,092; 35-40-55-75-99)—'Long Voyage Home' (UA) had a special opening last night (Tues.). It follows six swell money-making weeks with 'Foreign Correspondent' (UA) which was \$15,000 the windup stanza and \$16,000 the prior week. On the engagement close to \$150,000, lots for the right side of the ledger for both UA and the theatre.

Roxby (5,335; 35-40-55-75)—'Spring Parade' (U) and stage show. A distinct smash, first week's take around \$62,000. Holdover week begins tomorrow (Thursday), which from now on will be the regular change day instead of Friday. Six-day holdover of 'Brigham Young' (20th) only \$22,000, very disappointing.

State (3,450; 25-35-55-75)—'Rhythm on the River' (Par) (2d run) and Leo Reisman. Approximately \$18,000, comparatively mild following Mickey Rooney's socko week of nearly \$45,000 with 'I Love You Again' (M-G) (2d run) as the film. Setting was best run, but the week house ever did. Only Eddie Cantor, at \$51,300, over a Fourth of July, topped it, doing more shows than was possible with Rooney.

Strand (2,767; 35-40-55-75-95-99)—'City for Conquest' (WB) and Bobby Byrne (2d week). Came through with fine \$44,000 the first week and maintains steady pace for \$35,000 or more. The second week of the week is scheduled, but Byrne, under doctor's care for appendix trouble since opening here, had to withdraw last night (Tues.) for an operation. This, combined with guest conductor batting for Byrne the balance of the engagement.

CAGNEY HEFTY \$10,000 IN BALTO

Baltimore, Oct. 8. It's 'Strike Up the Band' here this week with Loew's Century using its fulsome capacity to chalk up an impressive \$10,000 in gross. Also seemingly headed to good take is 'City for Conquest' at the Stanley. Rest of town is rather spotty. Combo Hipp, trying hard with a strong vaude layout to bolster accompanying 'Dance, Girl, Dance,' is poor.

Estimates for This Week
Century (Loew's-UA) (3,000; 15-28-40)—'Strike Up the Band' (M-G). Garland-Rooney, higher the ball solidly with booming \$14,500. Last week 'Foreign Correspondent' (UA), good \$10,400.

Hippodrome (Rappaport) (2,205; 15-28-40)—'Dance, Girl, Dance' (RKO) plus vaude headlining G. C. Flippen, Larry Adler and Mills Bros. Trying hard, but accomplishing only \$11,000, poor. Last week 'Stayed for Breakfast' (Col) and vaude, n.g. \$10,700.

Keith's (Schanberg) (2,406; 15-28-39-44)—'Spring Parade' (U) did well \$10,000 fairly well to possible \$5,000, after key initial round to pleasing \$8,800.

New (Mechanic) (1,581; 15-28-35-44)—'Kidnare Home' (M-G). Drawn down to \$4,000, but the house of femme patronage and indicating fairish \$4,500. Last week 'Great Profile' (20th), mild \$4,400.

Stanley (WB) (3,280; 15-25-35-44)—'City for Conquest' (WB). Cagney drew favorable press and should reach strong \$10,000 and possible h.o. Last week, second of 'No Time Comedy' (WB), added all right \$5,800 to strong opening week at \$11,700.

'Folies' on Stage Big \$22,500 in S.F.; 'City Conquest' Pulls Fine \$17,000

San Francisco, Oct. 8.

Exhibits are kidding about what they'll use for an alibi, now that the Expo. is out of the way. Evenings and weekends are up somewhat, but it'll be a fair or so before full benefit of the Fair's absence will be enjoyed. Golden Gate this week picked up Clifford C. Fischer's 'Folies Bergere' from Treasure Island for a week's stand.

Tonight (Tuesday) 'They Knew What They Wanted' gets flash preem. with Laughton heading flock of names attending and streets 'Wired' for bally during which five tons of grapes will be crushed by barefooted gals in huge vat. 'Foreign Correspondent' still going nicely at United Artists and will stay for a fifth frame. Orpheum is pepping 'Hired Wife' with ad copy reading 'comedy sex-plosion.'

Estimates for This Week

Fox (F-WC) (5,000; 35-40-50)—'City Conquest' (WB) and 'Gay Caballero' (20th). Aided by good reviews, and pulling okay \$17,000. Last week, 'Brigham Young' (20th) fair \$14,000.

Golden Gate (RKO) (2,850; 40-50-55)—'Still Alive' (RKO) and 'Folies Bergere'. Stage act magnet here, picture being liability rather than asset. Added hype of overlapping world preem of 'They Knew What They Wanted' (RKO) and 'Wired' (Col.) sold on single angle for \$12,500, about right. Last week, 'Howards Virginia' (Col) ended second stanza with mild \$5,500.

Paramount (F-WC) (2,740; 35-40-50)—'Strike Up Band' (M-G) (2d wk). Potent stuff for galloping \$12,000. First week, excellent \$20,000.

St. Francis (F-WC) (1,470; 35-40-50)—'Brigham Young' (20th). Move-over from Fox will register average \$3,000. Third final week of 'Wired' (Col.) and 'Kildare Home' (M-G) got same figure.

United Artists (Cohen) (1,200; 35-40-50)—'Foreign Correspondent' (UA) (4th wk). Nights better since Fair closed. Will do \$5,000. The next morning he found that one had completely demolished one of the structures across the street.

Warfield (F-WC) (2,680; 35-40-50)—'Dulcy' (M-G) and 'Six Murders' (M-G). Average \$10,000. Last week, same time for 'Boom Town' (M-G) got \$7,000 on its fifth and final stanza last week.

David Rose

Continued from page 2

he had been seated in his office on Wardour street before going out.

The same night, three time bombs were dropped near a building across the street. Although admonished to leave by the air raid warden, Rose retired in a room near distant from the location of the bombs. The next morning he found that one had completely demolished one of the structures across the street.

Indiscriminate bombing made it impossible to carry on office work, Rose has advised Par officials. Consequently the London offices of Paramount early this month were moved to previously selected country houses so that employees could get some sleep. In one of his letters Rose said that on the day he was writing there had been six air-raid alarms before lunch time and that a seventh had been given as he wound up the letter.

Rose indicated that it was impossible to maintain any regular production schedules, although Paramount presently is producing 'Quiet Wedding' (sic), as a quota feature. Rose's family presently is in the U. S.

Air Raid Casualties

London, Sept. 24.

Chris Richards, the dancer-comedian, was killed in South London air raid; Michel (and Hero) sustained broken collar bone, while his wife was killed when sheltering in the cellar of a shop near the East End theatre, where they were playing. Bobby Olras, English comedian in the same show, who was with them, also killed.

Cecelia Harvey, young concert and musical comedy actress, died when her home in West London was demolished. Walter Payne, managing director of the Syndicate Halls, is in hospital with injuries sustained

'Rockne' Sock \$8,500 In Improved Seattle

Seattle, Oct. 8.

That the football season is here was evidenced Saturday (5) not only on the grid locally, where Washington and Idaho met, but that evening at the Orpheum the Washington players and coaching staff being honor guests at 'Rockne'. The game drew some folks from nearby towns, so that night life was enlivened, the crowd coming in on it. Not one of the 'big games' here, it nevertheless served as an introduction.

'Boomtown' has enough to head into sixth week in town at Blue Mouse at advanced prices. But it is sagging.

Two major magnets are going second week, 'Strike Up' at Fifth and 'Correspondent' at Liberty, both to nice returns. 'Hired Wife' wins over to Music Box from Paramount where Deanne Durbin is getting heavy advertising blasts in 'Spring Parade'. Orpheum is timely with 'Karl Rockne, All American' as its headliner.

Estimates for This Week

Blue Mouse (Hamrick-Evergreen) (850; 40-50-60)—'Boom Town' (M-G) (6th local week). Indicating \$2,400 for windup. Last week, same film \$3,100.

Coliseum (Hamrick-Evergreen) (1,900; 20-35)—'Love You Again' (M-G) and 'Phantom Raider' (Par) (2d run). Anticipate good \$3,400. Last week, 'Page' (WB) and 'McGinty' (Par) (2d run) swell \$3,500.

Fifth Avenue (Hamrick-Evergreen) (2,340; 30-40-50)—'Strike Up' (M-G) (2d week). Looking for \$5,400 for eight days. Last week, \$4,900, great.

Liberty (J-VH) (1,650; 30-40-50)—'Foreign Correspondent' (UA) (2d week). Paced at great \$6,500. Last week, fifty \$9,300.

Music Box (Hamrick-Evergreen) (850; 30-50)—'Hired Wife' (WB) and 'Gay Caballero' (20th), moved from Paramount theatre, expecting okay \$2,400 for six days. Last week, 'Wyoming' (M-G) and 'Kildare Home' (M-G) (2d week), \$2,700 okay.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'Rockne' (WB) and 'South Karanga' (U). Playing up football angle with player guests Saturday night after Wash-Idaho tussle; looking to fine \$8,500. Last week, 'Argentine Nights' (U) and 'Mummy's Hand' (U) \$5,100, good.

Palomar (Sterling) (1,350; 30-40-50)—'Girl God's Country' (Rep) and 'Sing Dance' (Rep) plus vaude. Anticipate big \$5,000. Last week, 'Flowing Gold' (WB) plus vaude, \$4,600, okay.

Paramount (Hamrick-Evergreen) (2,000; 30-40-50)—'Spring Parade' (U) and 'Quarterback' (Par) Headed for likely \$8,000. Last week, 'Hired Wife' (U) and 'Gay Caballero' (20th) \$6,100, good.

Roosevelt (Sterling) (800; 20-35)—'Love Came Back' (WB) and 'Lady in Question' (Col) (2d run), indicating okay \$2,500. Last week \$3,000. 'Seahawk' (WB) (3d week) \$2,900.

Win-Garden (Sterling) (800; 16-32)—'New Moon' (M-G) and 'Phantom Raiders' (M-G) (2d run). Expect net \$2,500. Last week, 'Heaven Too' (WB) and 'Those Were Days' (Par) (2d run), \$2,400, big.

Par Takes Over Peskay's 2 Houses In Peekskill

Paramount has closed a deal with Preferred Theatres, headed by Ed Peskay, acquiring control of the Peekskill and Colonial at Peekskill, N. Y., which up to now had been pooled with the Netco circuit, operating the update New York theatres in the Par chain.

The Peekskill, which has been operating two days a week, goes to a full-week (7 days) basis in swinging under the Par banner. Colonial, dark at present, will be torn down and for the time being the site will become a parking lot. Netco has operated and controlled the Paramount in Peekskill for some years.

George Cavanaugh, formerly in Poughkeepsie for Par, is in charge of the Par interests at Peekskill now.

Nizer's Appointment

Louis Nizer, film-radio attorney, has been appointed chairman of an advisory committee handling all conscription matters in the motion picture industry and theatre business. Appointment was made by Major B. McDermott, of the draft board, acting in behalf of the Government's

'Boom Town' Great \$11,000 in Montreal

Montreal, Oct. 8.

First week of all the pix here in some time offers good likelihood of nice grosses, with 'Boom Town', at Loew's, in line for a sizzling \$11,000. 'Hired Wife', at Palace, grossing nice \$7,500.

Estimates for This Week

Palace (CT) (2,700; 25-45-55)—'Hired Wife' (U). Pointing to good \$7,500. Last week, 'City Conquest' (WB), nice \$8,000.

Capitol (CT) (2,700; 25-45-55)—'Argentine Nights' (U) and 'Not So Tough' (U). Look like nice \$5,500. Last week, 'Frank James' (20th) and 'Girl Avenue' (20th), good \$5,000.

Loew's (CT) (2,800; 30-40-60)—'Boom Town' (M-G). Going great guns for \$11,000. Last week, repeat 'Sea Hawk' (WB), nice \$6,000.

Printemps (CT) (2,300; 25-34-50)—'Girl Dance' (RKO) and 'Wildcat Bus' (RKO). Should gross fair \$3,500. Last week, 'Flowing Gold' (WB) and 'Money Woman' (WB), good enough \$2,000.

Westerner (Ind) (1,100; 25-40-50)—'Westerner' (U). Sure to repeat at good \$4,500. Last week, 'Captain Caution' (U) and 'Plenty Hot' (RKO), swell \$1,600.

Cinema de Paris (France-Film) (200; 25-50)—'Sans Lendemain'. May gross good \$2,000. Last week's fourth of 'Pieges' fell to \$1,000.

St. Denis (France-Film) (2,300; 25-34)—'Les Otages' and 'Le Mot de Cambronne'. Good \$4,500 in sight. Last week, 'Pere Lebonnard' and 'Mystere de la Maison Blanche', good \$4,200.

'BRIGHAM' COLD \$10,000 IN CINCY

Cincinnati, Oct. 8.

Wham b.o. jingle of 'Strike Up the Band', at the Palace, is upping combo take of major stands to a sweet margin. Good last week. Current results are favorable in face of Cincy's part in the world series and return of summer temperature over the weekend.

Second act returns this week are on 'Brigham Young' at the Albee, yet it is n.s.h. 'Want Divorce' is on the fair side for the Grand. 'Angels Over Broadway' at Keith's and 'Captain Caution' in the Lyric are misses.

Estimates for This Week

Albee (RKO) (3,300; 33-40-50)—'Brigham Young' (20th). N.s.h. \$10,000. Last week, 'Spring Parade' (U), sagged in last half to \$11,000, below expectations.

Capitol (RKO) (2,000; 33-40-50)—'Spring Parade' (U). Moveover fair \$4,000 for second week. Fair \$4,000. Last week, 'Howards Virginia' (Col) (2d run), poor \$3,000.

Family (RKO) (1,000; 15-28)—'Stranger Third Floor' (RKO) and 'Beat the Band' (RKO) (2d run). 'Leather Pushers' (U) and 'Gang Mine' (Mono). Okay \$2,000. Same last week on 'Secret Seven' (Col) and 'One Crowded Night' (RKO), \$3,000.

Grand (RKO) (1,430; 33-40-50)—'Want Divorce' (Par). Fair \$5,500. Last week, 'No Time Comedy' (WB) (3d wk), nice \$4,500.

Keith's (Libson) (1,500; 33-40-50)—'Angels Broadway' (Col). Poor \$3,000. Last week, 'Haunted Honeycomb' (M-G), no dice at \$3,000.

Lyric (CT) (1,400; 30-40-50)—'Captain Caution' (UA). Awful \$2,500. Last week, 'Money Woman' (WB), six days, pitiful \$1,700, lowest for a long time.

Palace (RKO) (2,600; 30-40-50)—'Strike Up Band' (M-G). Sockpo \$17,000. Last week, 'Foreign Correspondent' (UA), fairly good \$10,000.

Shubert (RKO) (2,150; 33-40-50)—'The Girl from Gormetown' (UA). Transferred from Palace for second week. Fair \$4,000. Last week, 'City Conquest' (WB) (2d run), mild \$3,000.

'Jerusalem'

Continued from page 2

of Jesus or Christ, and it is only forecast that Jesus will become the Messiah upon reaching manhood.

Question of having Jesus as stage character arose when 'Ben Hur' was produced; the problem being solved when the late A. L. Erlanger, who produced the show with Marc Klaw, indicated Christ by a shaft of light. In the film version a hand was used for the same purpose.

However, Christ was portrayed in Cecil B. De Mille's 'The King of Kings', part being enacted by H. B. Warner. Film created much attention and controversy when shown at the Gaity, N. Y., at \$22.20 top. In England, 'Kings' was not permitted to be exhibited in regular theatres,

Laurel-Hardy Copping Big \$17,000 In Dull Mpls.; Ditto Band' \$12,500

Minneapolis, Oct. 8.

'Brigham-Profile', m 2 L'ville Spots, \$8,300

Louisville, Oct. 8.

'The Westerner' is topping the town this week at Loew's State and is aiming at a nice sized chunk of coin, in spite of the return of unseasonable hot weather over the weekend. There's also a slackening of patronage here to the counter-pull of the World Series on the radio, and the added interest for localities in the series between Newark and Louisville. Night games in the Little World Series have been drawing crowds of 12,000 and more, and now that the Colonels are playing in Newark, the radio airings are keeping plenty of local fans glued to their loudspeakers.

Unusual booking arrangement has Fourth Avenue Amus. Co. playing 'Brigham Young' and 'Great Profile' at both the Rialto and Strand. Quite an exploitation campaign, using 24-sheets and splashing plenty of ads in newspapers, to direct attention to the two showings, but returns are on the medium side. 'No Time for Comedy', in second week at Mary Anderson, still going plenty strong.

Estimates for This Week

Brown (Loew's-Fourth Avenue) (1,400; 15-30-40)—'Strike Up Band' and 'Secret Seven' (U). Good \$4,000. Last week, 'Want Divorce' (Par) and 'Yesterday's Heroes' (20th), light \$1,600.

Kentucky (Switow) (1,200; 15-25)—'Boys Syracuse' (U) and 'Love Back' (WB), split with 'Captain Caution' (UA) and 'Blondie Servant' (Col). Stepping along for average \$1,400. Last week, 'Balding Role' (Par) and 'Manhattan Heartbeat' (20th), split with 'Windy Poplars' (RKO) and 'Military Academy' (Col), good \$1,500.

Loew's State (Loew's) (3,100; 15-30-40)—'Westerner' (U) and 'Golden Fleecing' (M-G). Biz is fairly good on the strength of Gary Cooper's b.o. draw. Pacing for excellent \$8,000. Last week, 'Strike Up Band' (M-G) and 'Secret Seven' (Col), great \$9,000.

Mary Anderson (Libson) (1,000; 15-30-40)—'No Time Comedy' (WB) (2d wk). Holding fine pace for very good \$2,400, following first week's splendid \$4,200.

Rialto (Fourth Avenue) (3,400; 15-30-40)—'Brigham Young' (20th) and 'Great Profile' (20th). This double bill is playing at the Strand as well as at Loew's and both shows are receiving healthy buildup. Patronage however, hardly warrants such an arrangement in this town. Aiming at fair \$6,000. Last week, 'Public Debt' (20th) and Phil Spitalny's rock, okay \$8,500.

Strand (Fourth Avenue) (1,400; 15-30-40)—'Brigham Young' (20th) and 'Great Profile' (20th). Won't get any great amount of shekels. Looks good \$2,400. Last week, 'Secret Seven' (Col) and 'Men Sky' (RKO) and 'Leather Pushers' (U), fair \$2,800.

Kuykendall

Continued from page 6

ing. The motion picture industry did more to sustain the morale of the American people (during the World War) than any other industry.

Kuykendall expressed the belief that the Neely Bill is now a dead issue with little prospect of being passed by Congress. He declared also that jukebox manufacturers have made provision for 15 minute plays and may double that time period. Fred H. Wehrenberg, prez of the local organization who was re-elected, said these shows would prove worse competition than the non-theatrical films that the organization has fought for so many years. The meeting adopted a motion to oppose any change in the existing clearance schedules in this territory and also recorded itself as opposing slot machine pix.

In addition to Wehrenberg, other officers elected are Louis Hehl, sec-treas.; Louis Ansell, ass. sec-treas.; S. E. Pirtle, Jerseyville, Ill., I. W. Rodgers, Cairo, Ill., Sam Komm; St. Louis; Robert Cluster, Salem, Ill., v.p.s.; and Walter A. Thimms, St. Louis, sg.-at-arms. The board of directors consists of Louis J. Menzies, East St. Louis, Ill.; L. A. Mercier, Perryville, Mo.; Harry E. Miller, Festus, Mo.; Noah Bloomer, Belleville, Ill.; Jack Seipker, Webster Groves, Mo.; and Harold W. 'Chick' Evans, Frank Soutter, Frank Seros, Maury Davis and Sidney Johnson, all of St.

It behooves 'Strike Up the Band' to copy a plea of cunity to the chance of grand larceny for stealing the boxoffice spotlight currently. Taking into consideration various cost factors involved, it relatively even has pilfered the play away from Laurel and Hardy in person. This proves again to the picture-minded that a strong, straight film, offering can give boxoffice cards and spades to most stage shows, even when the latter boast names, as in this instance.

'Strike Up' is the only important picture newcomer, inasmuch as 'Boom Town' and 'Ramparts We Watch' are holding over for their fourth and third weeks, respectively, while the balance of the lineup comprises comparatively insignificant fare. Despite the impressive Rooney gross and the pair of aforementioned extended engagements, and also despite the thoroughgoing attraction, it's cracked the weekend for the Minnesota-Nebraska football game, business still rates as very much sub-normal and affords plenty of use for the crying towel.

Both of the town's stage shows—the Laurel and Hardy unit at the Orpheum and the Alvin's 'Folies'—are failing to come up to turnstile expectations.

Estimates for This Week

Albee (Hirsch-Katz) (1,400; 29-44-55)—'Crooked Road' (Rep) and 'Broadway Frolics' on stage. Lots of show for the admission price, but picture valueless from boxoffice standpoint. Poor \$3,500 indicated. Last week, 'Sing Dance' (Rep) and 'Rhythm Revels' on stage, \$3,700, poor.

Aster (Par-Singer) (800; 15-28)—'Blondie Servant' (Col) and 'Haunted Honeycomb' (M-G). Dual first-runs. Looks like nice \$1,500 for five days. Last week, 'Ladies Live' (WB) and 'Triple Justice' (RKO), dual first-runs, split with 'Windy Poplars' (U) and 'Five Peppers' (Col), also dual first-runs, \$1,700, good.

Century (Par-Singer) (1,600; 39-44-55)—'Boom Town' (M-G) (4th wk). Will finish highly profitable and successful engagement. Sagging in final session, but plenty good \$4,000 may be attained. Last week, \$3,100, okay after big \$14,500 first and \$9,000 second week.

Esquire (Gillman) (290; 28)—'Lost Horizon' (Col) (reissue) (2d wk). Has demonstrated considerable boxoffice office strength. Good \$900 in prospect; after first \$1,200. Last week, 'Gopher' (Par-Singer) (988; 28)—'Comin' Round Mountain' (Par). Looks like good enough \$3,000. Last week, 'Argentine Nights' (U), \$2,800, fair.

Orpheum (Par-Singer) (2,800; 29-44-55)—'Wyoming' (M-G) and 'Laurel-Hardy' unit on stage. Value of film comedy starts showing through for big \$17,000. Last week, 'Foreign Correspondent' (UA), \$7,100, good.

State (Par-Singer) (2,300; 28-39-44)—'Strike Up Band' (M-G). Exploit well and delivering in hefty way at boxoffice. Rooney-Garland team tops as draws. En route to very big \$12,500. Last week, 'Brigham Young' (20th), \$5,400, light.

Uptown (Libson) (1,200; 28-39)—'Stripped Breakfast' (Col). First neighborhood-showing. Looks like good \$2,500. Last week, 'Pride Prejudice' (M-G), good \$2,200.

Wentworth (Par-Singer-Steffes) (350; 28-39-44-55)—'Ramparts' (RKO) (3d wk). Curiosity relative to 'Baptism of Fire' sequence still helping to bring in House of the Devil wind up this week. Good \$2,000 indicated. Last week, \$2,500, after big \$3,500 first week.

Eddie Davis

Continued from page 2

Brooks wrote for RKO in 1937. U. S. marshal's men, who had the papers, reported him, after they found they couldn't locate the elusive Eddie.

Then one day Garfield passed L. & E's. Outside was a banner announcing that Sunday would be celeb night and Davis would be the celeb. Garfield decided to attend the swing street function in person and had himself sworn in as a deputy marshal to handle the dirty work.

Inasmuch as it was Sunday, he had to wait until midnight to make the service legal. Smack at 12:01 Davis was shot the business. Brooks, who was also wanted but whom Garfield didn't recognize, was also there. Davis lost no time in pointing him out. Misery loves company, he explained.

Bringing the suit, in which RKO is also defendant, is Jesse Solomon, who claims that in 1938 he copyrighted and sent to playbrokers a script whose principal character was a songwriter who composed in his long, same as in 'R. C. Revels'.



**THE
WORLD WILL SOON BE
LAUGHING AGAIN!**

WORLD PREMIERE TUESDAY EVE., OCTOBER 15
at the Astor and the Capitol Theatres, New York.
All seats reserved at \$2.20. Thereafter, all seats
reserved at the Astor only at \$2.20 top, while at
the Capitol, continuous showing, from \$1.10 to 75c.

Charlie Chaplin



THE *Great* DICTATOR

PRODUCED, WRITTEN AND DIRECTED BY CHARLES CHAPLIN

with **PAULETTE GODDARD**

JACK OAKIE • HENRY DANIELL • REGINALD GARDINER • BILLY GILBERT • MAURICE MOSCOVICH

Released thru UNITED ARTISTS

Repeal of Mex Law Forcing Showing Of Local Pictures Boosts U. S. Market

Mexico City, Oct. 8.

Convinced that the law demanding the compulsory exhibition of Mexican pictures, at the rate of one feature or enough shorts to make up a feature, at least three a month, is a flop, Congress, at the request of President Lazaro Cardenas, has nixed the measure. This law went into effect Sept. 1, 1937, and had raised plenty need for both exhibitors and the government. The exhibitors repeatedly told the government that they couldn't obey the mandate because of the puny output of domestic producers.

President Cardenas ordered an investigation and ascertained that the exhibitors spoke the truth. Nixing this law is seen as affording American pictures even wider exhibition in Mexico. They now control 96% of this market.

Mexican producers have again asked the government for a kind of aid to help them in their struggles and ward off extinction. They declare that their exemption for five years from several federal taxes isn't enough to turn the trick in their favor.

Aussie Exhibs Look To OK Biz With Yank Imports Maintained

Sydney, Oct. 8.

Australian show business envisions a bright Yuletide season. This is particularly true of picture business because the supply of American screen product not only has come into this country in a steady flow but also has held to what many exhibitors claim to be its usually high standard.

Optimistic outlook is bringing pressure for a government easing of monetary restrictions early next year in order to boost major concert and vaudeville imports, particularly those from the States. Given a continuous product line-up, picture men here visualize a tremendous business upbeat in the future, with unemployment decreasing as war work speeds up.

Fan Mags Hurt Biz

Absence of general circulation for U. S. film fan magazines is being felt by exhibitors in Australia, according to word received by homeoffice executives in N. Y. Reported that the Showmen's Assn. in Sydney is attempting to interest American distributors in starting a joint fan mag publication. This would depend on government approval since paper is being severely rationed in Australia now.

Australian government several months ago, in a war measure, ruled that imported fan magazines could not be sold on the newsstands. This was done to prevent money from leaving Aussie territory.

FRENCH PATHE RCVRs. SETTLE WITH AUTEN

An action by Maurice Mauger and Marcel Coutant, receivers and trustees of the Societe Pathe Cinema S. A., against Harold Auten for \$196,872 was settled out of the N. Y. supreme court Wednesday (12). Settlement provides for payment by the defendant of \$3,000 to the plaintiffs, and delivery to them of all prints, negatives and advertising matter with respect to seven films of Pathe which were the basis for the dispute.

In April, 1933, Auten was granted the American distribution rights to Pathe's product, the deal to end Dec. 31, 1935. Auten to be paid a percentage of the profits. Action charged that he failed to make an accounting; that he duplicated the negatives and sold them for distribution without the consent of Pathe, and continued to sell the films after the expiration date of the contract. Films involved were: 'Grossstadt Nacht', 'Ariane', 'Les Monstres', 'Les Deux Orphelins', 'Cetle', 'Paris-Mediterranee', 'Les Gaietes de l'Escadron', 'Harold Sherman, of Fiteleson' & Mayers, represented the plaintiffs.

HANBURY'S SUCCESSOR

For British RKO Post—Several Have Been Suggested

London, Oct. 8.

Several mentioned to fill the vacancy caused by the death of Ralph Hanbury, managing director for RKO's Great Britain company, but directors of RKO-Radio Pictures, Ltd., thus far have not picked a successor. Hanbury was killed last week by a Nazi bomb which hit his suburban home near here.

Directors met early this week, but took no action. G. W. Dawson, secretary, and T. Simon, sales manager, are carrying on operations.

Cardenas Help Asked By Mex Cham on Strike

Mexico City, Oct. 8.

The strike for higher pay, less work and a bunch of economic benefits, which have kept closed for a month the Cervantes circuit of five nabe film theatres, got in the hair of the Mexican exhibitors' union so much that it addressed an open letter to President Lazaro Cardenas and the civic government to act toward ending the tieup and giving the employers a square deal.

The Cervantes strikers are demanding what amounts to double pay and benefits including indemnification for 'professional illnesses,' those contracted while on the job. The exhibitors assert the demands are fantastic.

Rumors here that first-run exhibitors, with the help of American and other foreign big interests, have ganged up to eliminate the nabes so as to cop more coin by forcing the public to attend the high-pay cinemas exclusively are denied by the union, which asserts that all exhibitors are on the most friendly terms.

The port of Vera Cruz's two best cinemas, Variedades and Esclava, are shut by a strike to force the exhibitors to pay up and cut down work.

CORFIELD MAY QUIT AS BRITISH NAT'L HEAD

London, Oct. 8.

Persistent but unconfirmed reports here are that John Corfield, head of British National Films, is about to resign.

Corfield was founder of the outfit, which releases through Anglo-American. Both the latter and British National are financed by Lady Yule.

London in Wartime

London, Sept. 24.

Jack Hylton has started new war vogue with his 10 touring shows in the provinces.

'Open Ports,' film to prove to the world that English ports are still a hive of activity, despite German claims, being made by Arrow Publicity (John P. Myers), in full accord with the Ministry of Information. Robert Cullen directing.

Son of Olivelli, who was supposed to have gone down with the sinking of the Arandora Star, has just written home that he is safe in Australia.

Friends of Arnold Pressburger, who was for years with Alexander Korda at Denham, are anxiously looking for him. Has not been heard of since the Germans invaded France, where he stayed temporarily.

Australia Nixes Yank Completion of Local Pic

Sydney, Sept. 18.

Government has nixed Charles Chauvel taking '40 Thousand Horsemen' to Universal's Hollywood studios for completion.

Crown Solicitor has ruled that with the government holding an interest of \$50,000 the pic must be completed in country of origin, and that the first earnings must go toward reducing the amount advanced by the government.

U. S. COS. LOOK TO EASING OF BRIT. QUOTA

Foreign managers for U. S. film companies are looking for a complete overhauling of the British quota when the present 12-month period in which the quota is effective ends Oct. 31. The few companies that have been active in England, namely, Metro, Paramount and Warner Bros., in attempting quota pictures in London during the last two or three months have become convinced that it is almost a hopeless task while the heavy Nazi bombing raids continue. Because of this they believe that the British government will scrap the present stiff quota provisions and bring them more into line with current production possibilities on the British Isles.

Latest reports from London indicate that only day work is possible because of the severe blackouts at night. Even when there is no immediate danger of being struck by a heavy bomb, the noise of nearby Nazi aerial blasts and the anti-aircraft fire from the ground, necessitate shutting down production. Consequently, all producers are far behind on their production schedules.

F. W. Allport, Hays office representative in England, is appearing in behalf of the American film industry during present negotiations.

New Prez's Policies On Mex Labor Favor U. S. Picture Industry

Announcement of government policies in Mexico by Avila Camacho, country's newly elected president, is viewed by U. S. picture officials in N. Y. as a break for the American film industry. Camacho not only outlined a future business-like policy but so far has dodged every attempt to line him up behind the current labor group in Mexico.

U. S. film executives have contested the spread of drastic labor moves in the Mexican territory for the last three years or more. Fact that the retiring governmental regime has been such a strong advocate of the labor group has proved costly to all distributors in Mexico. Recent regulations hitting the picture business were so severe that at one time film inspectors in exchanges were receiving 45 pesos (about \$9 American money) per day. High scales also extended to other branches of the film business in Mexico.

LANGE MAY CLIPPER TO EUROPE THURS. (10)

Fred Lange, Paramount's manager in Europe, is planning to shove off for Europe tomorrow (Thursday) via Atlantic Clipper. Only thing that may stall his departure will be inability to obtain the necessary visas.

Lange wants to visit Portugal, Spain, France and Switzerland. His initial activity will be to wind up remaining details connected with the liquidation of Paramount's distribution in Nazi-held countries where Par has been ordered by the German government to cease doing business. He may travel to other European nations where altered distribution setup demands his immediate attention.

3 French Films Start in Marseilles; Paris Music Halls Do Thriving Biz; Legit, Cinemas, Niteries on Upbeat

Paris, Sept. 24.

For the first time since German troops swept into French territory, film cameras have started grinding again in Marseilles' studios. Three pictures are on the lot. Two were begun during the war; the third is new. Marcel Pagnol's studios, among the busiest of prewar France, are handling two.

Film just begun is 'Chambre 13' ('Room 13'). The lead is a young unknown, still playing his trade as hat-check boy in a local restaurant when he is not in the studio. The second is 'La Fille du Puisetier' ('The Well Digger's Daughter'), with Josette Day, begun last spring. Both are being produced by Pagnol's studios.

In a second, undisclosed studio in the Mediterranean port city, the well-known married troupers, comedian Jules Berry and Joselyne Gaël, are completing a film begun in the last months of the war, megged by Andre Hugon.

No such activity can be reported in the occupied zone where the Germans have taken over the studios, even if temporarily. Permission to do a few pictures has already been turned down by the new rulers. Paris, however, despite its 11 p.m. curfew is slowly but surely pointing toward a certain degree of normalcy in the entertainment field.

The music hall has become the most common form of amusement for both the French inhabitants and the German occupants. There are presently nine houses giving variety shows and revues and two others are skedded for early unshuttering.

Music Halls Leading Way

The ABC and the Optimistes, the only two music halls which were giving international class vaude before the war, are again leading the way. The ABC is featuring Georgius, very popular comic singer and monologist. Then there is the Pigalle, the most modern theatre in Paris, which has revolving stages. It went in for music hall a few weeks before the armistice after being closed for several months. That vaude show lasted 10 days and the house shuttered again until recently.

There are the Folies Bergere and the Palace with 'Beautes de Femmes'. Before and during the war the Palace put on a show with the same name which ranked as the top nude production of the capital. Like the new Folies Bergere show, the Palace ladies have been obliged to don more clothing than the traditional 'G' string gowns.

Others are the Theatre de l'Etoile, where non-French pics were shown before the Germans came to town; the Deux Anes, a typical French music hall type of show understood by the French only; the Eve and the Don Juan, both formerly nudist show places.

Flowing in the footsteps of the Theatre de l'Etoile, the Normandie, former Champs-Elysees deluxe film showcase, is being transformed for music hall shows while the Lido, where the famous can-can girls disappeared themselves until June, is also being prepared for early opening.

After the openings of the Opera and Opera Comique in late August, the third national subvention (government-backed) theatre, the Comedie Francaise, home of the classical theatre, unshuttered Sept. 7 with a few skits and a lecture. (It was due to open formally with Moliere's 'Misanthrope' before the end of the month, with pic and legit star Jean Louis Barrault in the lead. The Odeon was shortly to follow suit.)

Legit Holding Its Own

Legit is holding its own, considering the actual state of affairs in the capital. Sacha Guitry's 'Pasteur' is stilling holding forth at the Madeleine as are 'We Are Not Married' at the Ambassadeurs and 'Juliette' at the Oeuvre. An unnamed comedy skit is being given at the Palais Royale, home of farce and comedy. Louis Jouvet has covered the opening of the Athenae with 'Ecole des Femmes' ('Women's School'). Louis Herraud will reopen at the Michel with his closing show, 'Ecole de la Medisance' French adaptation of 'School for Scandal'. Most of the film showcases are again functioning. Many have been requisitioned by the Germans to en-

ertain their occupation troops. Among them are the Marignan, Rex and Radio City and a number of newsreel houses.

Restaurants, hotels and cafes are doing what they can in spite of food and other restrictions. Germans are seen at the very best restaurants, although most of them do more imbibing of French wines, champagnes and liquors than they do eating. The Ritz, Crillon, Continental, Maurice, the Scribe and other first-class hotels have been requisitioned by the Germans. It doesn't really make much difference because the other hotels aren't doing much biz just now anyway.

The best bit of news for Parisians in recent days has been the reopening of the fashionable Bois de Boulogne to the French. Until recently the Germans had closed it, but now, with the bar down, the Parisians are flocking back to their favorite park.

French Hostile to Nazis

The greatest check to normalcy is, of course, the presence of German troops, towards whom the French people are said to have adapted a more hostile attitude in recent weeks. Gone are the usual comments that the troops are 'correct and polite'. The French have now picked up the Dutch method of completely ignoring the presence of the invader.

Then there are the people who just don't want to be entertained for various reasons: either husbands or sons are prisoners or killed, etc.

There is the lack of money and the German curfew laws and lack of transportation. The metros (subways) run until 10 p.m. and are terribly overcrowded with many stations still closed. Taxis are unknown, while buses only run to suburban points.

The curfew sounds between 10:50 and 11 p.m. After it has sounded all inhabitants must remain in their homes until 5 a.m. Trains arriving after the curfew remain in the stations, with passengers forced to stay in their compartments until morning. Troop patrols catching anyone out force the 'transgressors' to accompany them on their beats until morning, when they are fined or imprisoned.

Compulsory Showings Of Propaganda Pictures In Aussie Toned Down

Canberra, Sept. 18.

Powers previously granted to the information department, headed by Sir Keith Murdoch, have been toned down under the Amended National Security Regulations okayed by the Federal government. Pic managements are now only required to devote 10 minutes in every program to shorts sponsored by the information department for propaganda purposes.

Formerly, the director of information had the power to compel managements to run pic backed by the department irrespective of any prior contracts with the exhibitor, even program. This ruling, however, was never brought to bear, and the pic industry as a whole had notified Murdoch of its willingness to aid in the national war effort in every possible way. Right now, a council of exhibitors, distributors and producers is working in cooperation with Alfan Box film officer attached to the information department, to aid the government to the fullest possible extent.

Information department will do a series of 12 shorts for local playdates.

4 U.S. Pix, New Low, For Japanese Release

Tokyo, Sept. 8.

American pics which will be released in Japan the coming autumn season comprise only four, an unprecedented low.

They are 'Union Pacific' (Par), 'Hunchback of Notre Dame' (MGO), 'Broadway Melody of 1940' (RKO), and 'When Tomorrow Comes' (U).

DISPATCH FROM REUTER'S...DISPATCH FROM REUTER'S...

PATCH FROM REUTER'S...DISPATCH FROM REUTER'S...DISPATCH FROM REUTER'S...

FROM REUTER'S...DISPATCH FROM REUTER'S...DISPATCH FROM REUTER'S...

SPATCH FROM REUTER'S...DISPATCH FROM REUTER'S...DISPATCH FROM REUTER'S...

SPATCH FROM REUTER'S...DISPATCH FROM REUTER'S...

AS DRAMATIC AS A NEWS FLASH!
EDW. G. ROBINSON IN "A DISPATCH
FROM REUTER'S" ... RIGHT AFTER
"ROCKNE" FROM WARNERS!

With
EDNA BEST • EDDIE ALBERT
Albert Basserman • Gene Lockhart
Otto Kruger • Nigel Bruce
Montagu Love • James Stephenson
Directed by WM. DIETERLE
Music by Max Steiner • Screen Play by
Hilton Kriss • From a Story by Valentine
Williams and Wolfgang Wilhelm

REUTER'S...DISPATCH FROM REUTER'S...DISPATCH FROM REUTER'S...

Film Biz Appraising What Effect Conscription Will Have on Manpower

Industry executives are checking to learn how severely their operations would be affected by the national conscription law. Consensus is that the film business will be harder hit than many other like industries because of the large number of young men on the theatre and picture business. Where the peacetime draft regulation will hit about 4% of the able-bodied in numerous lines of business, it is estimated that the picture business will witness about 6% of total male manpower being called to the colors under the 21-to-35-year stipulation in law. This would mean that about 15,000 men would be taken away from their posts in the picture industry.

However, only about one-third of the original total called out under the conscription setup would be taken from working ranks in the next few months. The draft would hit the loss of about 5,000 from all branches of the film business before Jan. 1, 1941, with 10,000 to be called subsequently.

Check this week revealed about 250,000 men workers in all lines of the film trade. Picture officials look for the first call in the draft to hit men of 24 to 26 years of age. This likely would most drastically affect males in theatre operations, resulting in material changes within the exhibition field even by the end of the present year.

Few Players

Few male picture stars fall within the draft limits, with only a comparatively small number among youthful coming stellar players likely to come under the registration scheme. Producing end of the picture business would feel the pinch worst in the technical end. Logical development anticipated in the trade will be the picking of certain studio technicians for training in aerial photography work of the air service. Conscription law registration, of course, will show these up instantly. Cameramen, electricians, narrators and carpenters would be affected to the greatest extent.

Survey indicated that there will be no occupational exemptions for the film business. Majority of companies have indicated they would give positions back to those called to the colors.

5 Houses Near S.A.

San Antonio, Oct. 8. There are a total of five houses on military reservations in and about this city. At the army post there is the recently opened Ft. Sam Houston theatre with a seating capacity of 1,204. Randolph Field, home of the Army Flying school, boasts of 900 seats. Kelly Field, 700; Brooks, 350, and Camp Bullis, 998.

According to Sergeant Simon, in charge of the Ft. Sam Houston theatre, each house is playing to capacity crowds daily and with the proposed addition of troops in this area, a new house is being planned for Ft. Sam Houston.

Each house has five changes a week, duals on Sunday and Monday, and Wednesday and Thursday. Nominal admission charges are at all theatres, 25c being top.

Brownwood's Boom

Brownwood, Texas, Oct. 8. With the U. S. moving an encampment of 14,000 troops here, local theatre men are expecting a sudden big boom.

L. D. Brown, operator of the Queen and the Gem, in an arrangement with Interstate will build a new 1,000-seater, to get under way pronto. The Queen has been completely remodeled and seating increased to 375. Other theatre here is the recently opened Texas, operated by R. A. Walker.

Phil Isley has already secured a building site and purchased equipment for a house which is expected to be ready in a month.

This city will be the home of the Texas National Guard groups in the nation's defense plan.

She Got the Call

Hollywood, Oct. 8. Paulette Goddard was signed by James Roosevelt to play the leading role with James Stewart in 'Pot of Gold', to be produced at the RKO-Pathe studio for United Artists release.

George Marshall directs the picture, built around the Horace Heidt radio program, with the band leader in a featured role.

So. Ill. Exhibs' Meet

Chicago, Oct. 8. Southern Illinois exhibitors, members of the United Theatre Owners of Illinois, will meet in Mount Vernon this week for a general discussion of exhib problems.

Presiding will be Edward G. Zorn, president of the UTOI. Among the problems to be discussed will be free pictures, tax and other legislation, unionization of small town projectionists and the consent decree rulings.

UNITED CHAIN'S 2 NEW DETROIT THEATRES

Detroit, Oct. 8.

Detroit—which has seen its heaviest theatre building in the last 15 years—will have two new houses built here by United Motion Pictures Co. One of the pair will be a 1,500-seat key-run house at Seven Mile and Greenfield Roads, in the booming northwest section. It will be called the Alpine—a name picked for an east side house now abandoned by the same company. The other, the Apex, will be an 800-seat theatre located in the north end.

The two new houses will enhance considerably the booking of the Mutual Theatres, the combine which will book them. Mutual, managed by Raymond E. Moon, had gathered considerable strength in this area recently making four other additions. Among the houses which it has taken over is the 400-seat Alden, operated by Joseph Miskinis, and the new 1,000-seat Parkside, operated by Moss Bros., which opened Oct. 3. The other pair of bookings are 2,000-seat Carmen, operated by Phil Gorelick, and the 1,500-seat Civic, which Joseph Stojia will open shortly.

Two New Memphis Nabes

Memphis, Oct. 8. Two new nabes houses premed last week.

J. A. West, former Mississippi showman, unveiled his 900-seat Hollywood. His has been out of the business for couple of years after owning houses at Louisville and Philadelphia, Miss.

Cullins & Evans, former operators of the Orpheum before its acquisition by M. A. Lightman and change to New Malco, opened their new Idlewild, 950-seat spot in the heart of choice residential section.

Gorelick's Two Additions

Detroit, Oct. 8. A new house is planned for Detroit's growing northern section with the announcement of a theatre by Philip Gorelick. He also is building a new theatre in Dearborn.

Jack Broder keeps building up his chain here. He has taken over the Oakman, formerly operated by Krass circuit. Now makes four theatres for Broder.

DENATURED 'REMOUS' (FR.) PREEMS IN N. Y.

After nearly two years of litigation, New York got its first glimpse of 'Remous', French-made picture, when it opened the new Art theatre in Greenwich Village under the tag name of 'Whirlpool'. N. Y. State censors okayed it in present version. Production, a 'Lady Chatterley's Lover' theme, originally was released in France early in 1935. N. Y. censors objected to the theme, with result that the present version is considerably scissored and objectional passages covered by mild English titles.

Others are slashed out of the story.

New theatre is 600-seater, located in a store-apartment house taxpayer structure just off University Place. Irving Ludwig, formerly assistant manager at the Rivoli, N. Y., is managing the operation for Herman Weingarten, owner. Policy is single feature, with foreign-made films used whenever available.

Redeem 2 Saenger Bond Issues At \$103 Each

Bond issues of two Saenger theatres have been officially called for redemption. Both are listed as obligations of the Saenger Realty Corp., 6 1/2% due in 1945, for the Saenger theatre, New Orleans, and the same corporation's 6 1/2% due for payment the same year, for the Saenger Theatre, Mobile, have been set for call Oct. 21.

Both issues are redeemable at \$103.

R.C. Music Hall Booking Stymies Korda's Yen To Roadshow 'Thief Bagdad'

Plan to roadshow Alexander Korda's 'Thief of Bagdad' in key cities throughout the country may have to be abandoned. Technicalities of Korda's contract with the Radio City Music Hall by which the picture was originally booked into that house for its New York preem may upset the scheme for two-a-daying it in Manhattan, which would be followed by a general cancellation of the plan.

Roadshow idea came up after the M.H. pact was signed. Agreement, however, provides for automatic cancellation if the producer desires to roadshow the picture in some other house—provided admission charged be at least twice that prevailing at the Music Hall. United Artists, which releases Korda product, on that basis made a tentative agreement for the film to two-a-day at the Globe, Brandt house on Broadway.

Now UA attorneys are pondering whether or not the \$220 top which would be charged for the roadshow is twice as much as the Music Hall's 'prevailing price.' They neither want to leave Korda open to a lawsuit by the Radio City house nor cause any hard feeling in that quarter.

Problem results from the fact that M.H. regularly sells 900 reserved lodge seats at \$1.65, although its top for orchestra locations is only 99c. Globe has fewer than 300 more seats in the entire house, than the Music Hall has in the lodge. Which brings up the question of whether \$1.65 or 99c is the 'prevailing' price in this situation.

Original reason for taking 'Bagdad' out of Radio City and roadshowing it still exists—the picture will have to wait until around Thanksgiving to get a date at the Music Hall, because the house is so glutted with product. Film in a couple weeks at the M.H. could earn the same rental as during a lengthy roadshow at the Globe, so the principal reason for desiring the New York preem is to speed up the New York preem. Other selling is being held up pending a decision on this date, the only other engagement being the Carthy Circle, Los Angeles, where it will begin roadshowing Oct. 17 under plans made before the Music Hall angle appeared.

SUES TO DISSOLVE THEATRE PARTNERSHIP

Louisville, Oct. 8.

Suit was filed here Friday (4) in Jefferson circuit court by William Rosenthal, Indianapolis, against George Settos, Indianapolis, and Frank M. Krapp, LaJolla, Calif., all partners and exhibitors operating at Settos Theatres. Rosenthal asked that the partnership owning the Vogue, St. Matthews (suburb of Louisville), and Standard and Shelby theatres, Shelbyville, Ky., be dissolved. Suit further requests the court to appoint a receiver, require Settos to account for the firm's funds, and wants property or proceeds to be distributed among the partners.

Rosenthal asserted business relations have been strained, and stated it was impossible for the partners to continue in the operation and management of their properties. Further stated that Settos 'has taken control of money accounts and property of the firm and converted same to his own use,' and Krapp has 'failed to account for about \$23,000 belonging to the partnership.' Rosenthal's suit charges firm is indebted to him for about \$3,000. Suit states plaintiff owns half interest in two houses in Shelbyville, and one-third interest in the Vogue, with asset value of \$23,000.

Veteran Film Extras Fear Washup; Producer-Guild Standing Committee Favors Probationing Promising Kids

Abrams Leaves U

Leo Abrams, Universal's short sales manager for the last 18 months, resigned last week. He had been in charge of U's New York exchange for 10 years before becoming short sales chief. He was with U 25 years. Abrams states he will take a brief vacation before announcing future plans now under discussion.

Abrams post over shorts sales probably will not be filled.

MONO PASSES UP PRODUCTION FOR '40-41

Hollywood, Oct. 8.

Monogram Productions, a subsidiary of Monogram Pictures, goes into an inactive state with little likelihood of filming any pictures for the 1940-41 program. Company is depending almost entirely on product by individual units to fill the coming season's distribution quota. Last picture made by Mono was 'The Bat,' recently completed Boris Karloff starrer. Suspension of production and concentration on distribution is in line with Mono's new economy plan, which cuts down the personnel and lops off a big slice of overhead. The production incorporation continues to exist, in skeleton form, in case it is decided to resume picture-making later.

Change means that Scott R. Dunlap, v.p. in charge of production will make films with his own organization for distribution by the parent company. He has completed one Marcia Mae Jones-Jackie Moran feature and has three more lined up.

Golden's Mono Swing

Eddie A. Golden, general sales manager for Monogram, is leaving his New York headquarters this week on an extended swing through the middle-west which will carry him to the Coast. He probably will not return until sometime in November.

Golden plans to visit Buffalo, Toronto, Cleveland, Detroit, Chicago, Kansas City, Dallas, Houston and Los Angeles.

WISPER & WETSMAN'S 17TH HOUSE IN MICH.

Detroit, Oct. 8.

Wisper & Wetzman Circuit here continues to enlarge. The latest acquisition of the chain is the Oakman, large nabe, taken over from Jack Krass. It gives W. & W. 17 theatres now, making it the largest independent circuit in Michigan. At least three of the additions have been made this year. The Oakman was closed after its addition to the chain to undergo \$30,000 worth of remodeling.

The Oliver in the North End has been taken over by Moun & Newman Circuit. Al Buttenberg, who was running the Oliver, will continue to operate the Iris.

Another chain addition was the adding by the Ashman Bros., operators of an upstate chain, of the Garden house at Frankfort, Mich., which was formerly owned by Mrs. Custer Carland.

The Cactus Gets 'Em

Hollywood, Oct. 8.

Ken Maynard is returning to pictures when he finishes his current job with Cole Bros. circus.

Western actor plans to produce and star in a series of sagebrushers.

IN THE UPPER BERTH

Hollywood, Oct. 8.

Top femme spot in 'Sleepers East,' a Sol M. Wurtzel production at 20th-Fox, goes to Lynn Bari.

Lou Breslow is scripting remake of the silent film, based on a novel by Frederick Nebel.

Hollywood, Oct. 8. Immediate elimination of thousands of film-struck casual players, selective hiring of extras and centralization of casting have been recommended to the Association of Motion Picture Producers. A probationary membership in the Screen Actors Guild for promising youngsters also was urged by the Producer-SAG Standing Committee last night (Mon.) in its first report to the Association. This move would necessitate the SAG reopening its membership to extras, but it is claimed that work of the probationers would be so regulated as not to take any potential coin away from the regular extra who depends upon the industry for a living.

Adoption of the amendment would at once remove approximately 2,000 from the membership rolls of the SAG. The current paid-up Class B membership of the guild is 6,501. While 2,000 Guilders are included in the list of extras who earned \$10 or less in 1939 and whom the committee has recommended be dropped, many of them have already been eliminated for non-payment of dues.

The committee, which has just completed an exhaustive study of the extra situation, was appointed by the producers and the SAG to recommend a permanent cure for the extra problem. It is composed of Stewart McKee, chairman, business manager of Warners; and Murray Kinnell, of the SAG. The committee has spent more than a year interviewing extras, studying economic conditions, etc.

Oldtimers See Handwriting

Regular players are certain to approve the elimination of casuals. But they may take a different view of the recommendation that a probationary membership be established for youngsters. Some of them are skeptical this is a move to eliminate the 'oldtimers,' many of whom have been with the industry since it started and are now protesting because youngsters are taking much of their work.

In summing up the casual situation, the committee reported that:

Our records show that 9,849 individuals were placed through Central Casting Corp., 1939. Of this number there were 5,285 persons who worked 1 day or more and 4,564 persons who worked 10 days or less. The 4,564 extras who worked 10 days or less through Central Casting, however, represented only 30% of the estimated total of 15,000 extras who worked sometime during 1939. This estimate of the total number of extras employed in 1939 includes those who were hired directly by the studios and through the independent casting agencies. Of the 4,564 who worked 10 days or less through Central Casting during 1939, 2,942 were members of the Guild.

A new move by studio unions to force steady employment of their members is seen in the demands to be submitted to Producers this week by Moving Picture Painters Local 644 in behalf of industry title-artists. The artists are asking for a five-day, 40-hour week, based on 52 weeks consecutive employment.

Herbert Sorrell, business representative of Local 644, who will handle negotiations for the Artists, also has offered to kick back a 10% wage increase given the Studio Painters if the companies will guarantee them 42 weeks' work each year.

Cliff Nazarro has been nominated as candidate for president of Los Angeles Chapter of the American Guild of Variety Artists. Eddie Davis, Jaquain Gray, Frank Mitchell and Mead Sigler will fight it out for the vice-presidency. Helene Heller is the only nominee for treasurer, and Princess Wynemal is the only nominee for recording secretary.

Nominees for the AGVA board of directors are Harpo Marx, Roger Imhof, Lucile Gleason, James Burke, Jack Frost, Jade Rhodore, Lynn Mayberry, Sugar Geise, Fred Scott, Phil Arnold, Cantu, Al Leina Reed, Eddie Anderson, Laurel Graves, Sarah Raye, Peggy Robbins and George Stewart.

Producers have turned thumbs down on the request of the Society of Motion Picture Film Editors that editors on call who receive \$150 per week be included in the 10% wage

(Continued on page 22)

Knute Rockne—All American

Hollywood, Oct. 5.

Warner Bros. release of Robert Fellows production. Features Pat O'Brien, Gale Page, Ronald Reagan, George Gipp, Al Bert, Bascom, directed by Lloyd Bacon. Original screenplay by Robert Fellows. Based on the life of Knute Rockne, who coached the University of Notre Dame football team to national championships in 1956 and 1957. Knute Rockne, played by Pat O'Brien, is a coach who is brought back to life after he is killed in a plane crash. He then coaches the team to victory. The film is a biographical drama that carries both inspirational and dramatic appeal on a wide scale. Tied with the current Knute Rockne celebrations being held in various parts of the country, and national interest generated through the world premiere of the picture at South Bend, Ind., "Knute Rockne—All American" will roll up hefty yardage at the theatre boxoffices.

Immortalizing "Rock," whose impression of an American sportsman, teamwork, and determination to win in any game—whether it be on the fields of football or life—is indelibly stamped in the characters of the thousands of boys who played with his teams, and this picture stands as one of the best biographical pictures ever turned out.

Story opens with Rock's father deciding to come to this country, the land of opportunity. Knute grows up around Chicago, works as a post office clerk until he saves enough to enroll in Notre Dame, a scholastic career including the famous Dorais-Notre forward pass play which defeated the Army. He is briefly sketched—also his romance with Bonnie Skiles and his decision to remain as a chemistry instructor and assistant grid coach. Major portion of the biography deals with his coaching experiences and the whole some influence he has on the boys under his direction, until the ill-fated plane trip to the Coast.

Picture is stuffed with familiar incidents in Rock's life, beginning with George Gipp, latter's brief grid glories and death from pneumonia, defeat by Army after a long winning streak and the early morning reception of Rock on his return to South Bend, his decision to accept coaching as a life work in preference to chemical research, and his memorable "go out and win this one for the Gipper" pep talk. Through it all runs the theme of Rock's whole purpose in life—moulding boys under his care to become good Americans who are conscious of their responsibilities and opportunities.

Pat O'Brien delivers a fine characterization of the immortal Rockne, catching the spirit of the role with an understanding of the human qualities of the man. Donald Crisp turns in his usual capable performance as Father John Calahan, head of Notre Dame, while Gale Page is an excellent choice for Bonnie Skiles. Others in support include Ronald Reagan, George Gipp, Albert Bergman, Owen Davis, Jr., as Gus Dorais, John Qualen and Dorothy Tree. Four outstanding grid coaches, friends and contemporaries of Rock—Lloyd Jones, Glenn "Pop" Warner, Alonzo Stagg and William Spaulding—are brought in for brief appearances in one sequence.

Picture necessarily unfolds in episodic fashion, to cover the span of years it depicts. Football sequences are deftly intercut, with much of the footage apparently newsreel clips from the games depicted, and most of it from the traditional Army-Notre Dame games. There's an anti-climax which carries on from the end of the film, covers the Rockne funeral services in the Notre Dame chapel, with an eulogy by Crisp. It's a smacking tragic finish, which will find few dry eyes in the audience.

Lloyd Bacon directs, from script compiled on fact by Robert Buckner. Picture is more than a historical document of the small details of the past three decades—it's an inspirational reminder of what this country stands for. And decidedly timely.

They Knew What They Wanted

RKO release of Erich Pommer production. Stars Carole Lombard, Harry Carey, Frank Fay, Charles Laughton. Screenplay by Robert Ardrey from story by Sidney H. Franklin. Directed by Erich Pommer. Musical score, Alfred Newman; special effects, Vernon L. Walker; director of photography, John Sefton. Running time, 97 mins.

Beautifully acted, excellently directed and produced with fine feeling, "They Knew What They Wanted," reaches the screen from the RKO studio as a classic picture for the top first runs, guaranteed to delight the emotionally inclined.

On two previous occasions the late Sidney Howard's drama of passion and forgiveness among simple people in California's vineyards has been filmed, but each time under a different title, on the theory, perhaps, that if audiences didn't know in advance that they were going to see a story of love's misstep their morals were protected. Pola Negri and Jean Herscholt played it as "The Secret Hour" (Paramount '28) and Vilma Banky and Edward G. Robinson did it as "A Lady in Love" (Metro '30).

It's an honest piece of playwrighting and when produced by the Theatre Guild in 1924 it was a Pulitzer prize winner. Essentially a drama of characterization, the lead parts are capably played by Miss Lombard, as the little waitress who was wooed by Charles Laughton in black mustache as Tony the grape grower, and Frank Fay as the foreman helper, Frank Fay gives a sincere and kindly performance as the padre, and Harry Carey makes the country doctor a likable character.

Film was directed by Garson Kanin under Erich Pommer's supervision as producer. The location shots were admirably chosen and Harry Stradling's camera caught the beauty and charm of the California vineyards.

After a series of costume parts Laughton establishes himself as the gentle Italian whose love was big enough to overlook transgression.

In the main, however, it is Miss Lombard's picture, perhaps the best dramatic bit she has done. None of the story essentials is deleted by Robert Ardrey in the screenplay, and his improvisations brought the plot moving smoothly. Dialog is simple and direct.

Although "They Knew What They Wanted" is nearly 20 years old it remains as certain as fresh, and its makers show acumen in not attempting to use it for social preaching. It scores because it is faithfully done.

LONG VOYAGE HOME

Hollywood, Oct. 8.

United Artists release of Argyoey Corp. production. Stars Eugene O'Neill, one-act play, John Wayne, Thomas Mitchell, Ian Hunter. Produced and directed by John Ford. Screenplay by Eugene O'Neill; camera, Gregg Toland; musical score, Richard Hageman; musical conductor, Edward Paul; production assistant, John Ford; special effects, R. T. Layton; B. Blinger. Running time, 103 mins.

Combining dramatic content of four Eugene O'Neill one-act plays, John Ford pilots adventures of a tramp steamer from the West Indies to the Atlantic, and then across the Atlantic with cargo of high explosives. Picture is typically Fordian, his direction accentuating the characterizations and adventures of the voyage to highest pitch of realism.

In being tabbed as a directorial achievement with Ford making much of the little details still faithful to all requirements for general audience appeal. It's lusty and vigorous he-man stuff, but not sufficient to catch the female audiences. Critics will hang back, saying that it returns long to be on the lee side and limited lack of names is a further handicap outside metropolitan keys where exploitation may help.

Story has adventurous background, on which Ford hangs development of characterizations rather than movement. Along the way, with tempo, making onlookers wonder when ship will finally make an English port of refuge. There's a rather confusing passage in which Ian Hunter, as the ship's doctor, is shown as an enemy spy, and although he is finally cleared, nothing explains his actions that lead to original suspicion.

Aside from explosive cargo aboard, little interest is generated in final safety of crew, as yarn points out they are all men of the sea, who will ship out again as they pay evaporation; all but John Wayne, who wants a nestegg for a farm in Sweden, but he's lost in the shuffle of characters and never highlighted.

Along the voyage there's plenty of dialog and action in the crew's quarters, with Thomas Mitchell the concept of the group. Storm comes at sea, in which the ship is wrecked, and it is finally cut out with ward Bond fatally injured in brave action—is particularly realistic in showing the suffering and death of Bond, with resulting sea burial. Both over-played and over-tragic. Passage through the submarine zone

Miniature Reviews

'Knute Rockne—All American' (WB). A strong and inspirational drama that will score plenty of b.o. touchdowns.

'They Knew What They Wanted' (RKO). Excellent remake, starring Carole Lombard and Charles Laughton, and aimed for top first runs.

'Long Voyage Home' (UA). John Ford's artistic sock, doubtful big b.o. entry.

'Too Many Girls' (RKO). Film version of George Abbott stage musical; good big prospects with exploitation hyacinth crosses.

'Down Argentine Way' (20th). Filmmusical—brilliant Technicolor with eye and ear appeal for moderate to good biz.

'Yesterday's Heroes' (20th). Seasonal vehicle for the pigskin trade. Should get fair b.o.

'Angels Over Broadway' (Col). Ben Hecht's venture as producer-director-writer mixes.

'Diamond Frontier' (U). Stereotype action yarn about the South African diamond rush; for lower duds.

'Triple Justice' (RKO). George O'Brien in a good western.

'Frontier Fugitives' (Rep.). McDermott western starring Don 'Red' Barry, for the second-ary duals only.

'Morar' (British). Austrian composer's music a saving grace; fair for arty theatres only.

'El El' (Cinema). Competently made Yiddish film, starring Esther Field.

With blackout restrictions is more informative than dramatic. Stuka-bombing and machine-gunning of the ship in sight of the beach is a dramatic excuse for heroic death of Hunter just before landing.

Mitchell has a high mark in the seaman's character, a two-faced, donkeying and still kindly and loyal to his pals. Wayne's role is submerged among the sailor characters, best of which are Hunter, John Hunter, and Charles Laughton. Joseph Sawyer and Barry Fitzgerald, who catches attention as a messroom steward.

Walter Wanger provided topnotch production layout for the picture, with Gregg Toland's photography in low key lighting a masterpiece.

TOO MANY GIRLS

(MUSICAL)

Hollywood, Oct. 4.

RKO release of George Abbott production, directed by Abbott. Features Lucille Ball, Charles Laughton, Frances Langford, and Hal LeRoy. Screenplay by John Twist, from musical by Frances Langford, Rodgers and Lorenz Hart, camera, Richard Hageman; musical score, assistant, Dewey Starkey; special effects, Vernon L. Walker; director, LeRoy Prinz. Running time, 84 mins.

George Abbott takes over the producer-director chores for the film version of his Broadway musical hit of last year. Despite its many obvious faults in technical form, "Too Many Girls" is sufficiently gay and giddy—with plenty of music and dancing—to get across for nominally production people in regular runs as a bill topper. Exploitation of its light and frothy entertainment content, especially aimed at the school and college groups, will add materially to the b.o. take.

Outstanding factor in the film version of his Broadway musical hit of last year. Despite its many obvious faults in technical form, "Too Many Girls" is sufficiently gay and giddy—with plenty of music and dancing—to get across for nominally production people in regular runs as a bill topper. Exploitation of its light and frothy entertainment content, especially aimed at the school and college groups, will add materially to the b.o. take.

In the majority of pictures, these faults would be impossible hurdles to overcome, but Abbott successfully bridges the handicaps. "Too Many Girls" is lively, fast-moving, gay and nonsensical, with these attributes paraded against a colorful collegiate background. It is studded with several good tunes, and liberally sprinkled with beautiful dancing girls who are topnotch. Some of the large ensemble numbers. Despite lack of marquee values in the cast menu, there are some crackstep performers in the lineup. Four musical numbers are transformed to their respective assignments here; Eddie Bracken, Desi Arnaz, Hal LeRoy and Libby Bennett. Bracken continues his deadpan comedy role, with its rich dialog lines, and clicks in a big way as attorney for the picture deals. Desi Arnaz, who is getting an extensive publicity buildup as the heartthrob from Cuba, has an intriguing film personality. Hal LeRoy, who is getting a big drum-beating conga dance in the finale provides a smash specialty that will be remembered.

Ann Miller, drafted from the George White "Soudals," does several fast solo dances, but in addition displays a fresh and youthful personality with plenty of showmanship behind it. This is Miss Miller's second try in Hollywood, after an unopinioned term at RKO about three years ago, and her performance and ability should tie her up as a permanent film fixture for filmsicals in the upper bracket.

Lucille Ball is a beauty for the lead, with Richard Carlson opposite for the major romantic interest. Hal LeRoy is mainly a decorative, almost prominently spotted. Libby Bennett and others in support are lost in the semisignificance. Frances Langford's singing is good, but her immediately skycroaked the team to national prominence. Carlson falls in love with the girl, and gets her in the end.

Picture is rich in production values and lavishness of the dance ensembles. Football sequences are fairly authentic and avoid the general comic antics on the gridiron in the brief displays of the games. LeRoy Prinz incorporates some new twists to the dances, while photography by Frank Redman is of consistently high standard.

Down Argentine Way

(Musical)

(TECHNICOLOR)

Hollywood, Oct. 2.

20th Century-Fox release of Argyoey Corp. production. Stars Don Ameche, Betty Grable, Carmen Miranda, Charles Laughton, and Charles Laughton. Screenplay by Irving Cummings. Directed by Irving Cummings. Screenplay by Irving Cummings. Directed by Irving Cummings. Screenplay by Irving Cummings. Directed by Irving Cummings.

Don Ameche, Betty Grable, Carmen Miranda, Charles Laughton, and Charles Laughton. Screenplay by Irving Cummings. Directed by Irving Cummings. Screenplay by Irving Cummings. Directed by Irving Cummings. Screenplay by Irving Cummings. Directed by Irving Cummings.

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Grable's rhumba stepping is much more effective than her vocalizing, while Miss Greenwood typically sings and dances in comedy tempo "Sings to Your Senorita."

Story is a comedy of love and breeding and racing horses. Ameche's father breeds thoroughbreds in the Argentine, and Miss Grable is the rich New York girl whose hobby is collecting blue-ribbon jumpers. Ameche brings a consignment to the States for sale, but there's an old family feud, the young folks are unaware of, so none of the horses can be sold to the girl. The romance starts there, and continues in the Argentine when Miss Grable follows him back home. Then the two lovers must convince the old man on two points—the feud was unnecessary, and his prize jumper is a champion flat racer.

Carrying advantage of gorgeous Technicolor, the picture is a shining color throughout in both settings and costumes that keeps constantly reminding the onlooker that it's all a showy revue. The picture, needless to say, receives plenty of enhancement due to the tinting process. The tints are the latest improvement in the safety progress by the Technicolor company, and the picture is a contrast and better definition than heretofore.

Ameche capably handles his role of the dashing Argentine, and puts over his song interpretations as well. Miss Grable is light on vocal abilities, which, however, are overcome by her dances and beauty under the camera. Charles Laughton does much to liven story passages with some sound comedy with Leonid Kinskey. Later catches many laughs as a Latin gigolo, while J. Carroll Nash provides a fine characterization of the hunched stable overseer. Others in support include Henry Stephenson, Chris-Pin Martin and Charles Judels.

Wait.

YESTERDAY'S HEROES

20th Century-Fox release of Sol M. Wartel production. Stars Robert Sterling, Katherine Aldridge, Charles Laughton, and Charles Laughton. Screenplay by Irving Cummings. Directed by Irving Cummings.

Robert Sterling, Katherine Aldridge, Charles Laughton, and Charles Laughton. Screenplay by Irving Cummings. Directed by Irving Cummings. Screenplay by Irving Cummings. Directed by Irving Cummings.

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Backed by 20th's greatest radio campaign!

KATE SMITH HOUR of Friday, Oct. 11, with Don Ameche and Charlotte Greenwood starring . . . over 77 CBS stations! More than 50 famed name bands airing the song hits! NBC Red and Blue networks [111 stations] joining with Mutual's chain of 130 and CBS in broadcasts that will blanket every important station in the nation! Listen in!



TRIPLE JUSTICE

DIAMOND FRONTIER

Frontier Vengeance

TIME IN THE SUN

HERE IS IRELAND

THE OPEN ROAD

MOZART
(MUSICAL)

ELI ELI
(WITH SONGS)

Shirley Temple

On Air for Lux Oct. 14

Scouts' Benefit

Lanchester

Laughton will remain a few days in New York after the preem of 'Wanted' and will then leave on a brief tour of personals in other cities the picture is playing.

THEY KNEW WHAT THEY WANTED!

San Franciscans knew what they wanted!...Last night every person who could pack into the Golden Gate Theatre thrilled to the sensational world premiere of

THIS YEAR'S GREATEST DRAMA!

Thundering echoes of the tremendous reception were heard all the way to New York, which gets its own electric thrill tomorrow, when the big show opens at Radio City Music Hall...with more excitement brewing for pre-release runs beginning this week at Chicago, Boston, Providence, Detroit, New Orleans, Columbus.

A black and white portrait of actress Carole Lombard, looking slightly to the side with a soft expression.

Carole

A black and white portrait of actor Charles Laughton, smiling and looking towards the camera.

Charles

LOMBARD • LAUGHTON

"They Knew What They Wanted"

DIRECTED BY GARSON KANIN

with WILLIAM GARGAN • HARRY CAREY • FRANK FAY • HARRY E. EDINGTON Executive Producer • Produced by ERICH POMMER

SCREEN PLAY BY ROBERT ARDREY From the Pulitzer Prize Play by SIDNEY HOWARD



Inside Stuff—Pictures

Although Spanish is spoken in all South American countries excepting Brazil, where Portuguese is the native tongue, different language idiosyncracies of some countries keep the newsreel editors on edge trying to make the sales managers happy. Result is that there are times when as many as seven different spieler, are employed on a newsreel subject going to South America. Excess strive to have a native of their own territory do the newsreel splicing. They claim that the exhibitors want to hear Spanish narrated by a person 'talking their language.' Thus, for Argentina, they want a commentator who speaks with an Argentinian twang; in Chile, one with a Chilean accent, etc.

Recently, because of the economy moves in many foreign departments, the number of different Spanish versions for a newsreel has been clipped to two. But the wave of protests expected soon likely will have it back to the old six and seven total. Newsreels use a Portuguese spieler for their Brazil edition.

One of the short comedies which Paramount made with Robert Benchley is called 'Waiting for Baby' and deals with the anxiety of an expectant father. In one scene of it Benchley is seen in the waiting room of an obstetrical hospital, nervously thumbing through a magazine. As first shot, it showed the magazine to be the Breeder's Gazette, an actual publication. However, the Hays office objected and a different mag was subsequently used.

'Murder, Inc.', tag first applied by Asa Bordages, N. Y. World-Telegram rewrite man, to the Brooklyn death ring, has proved a much-wanted picture title, although no one as yet has turned out a film bearing it. Edward Small recently became the third producer to lay claim to it. Columbia, however, which registered its intentions with the Hays office on March 20, has first right. Warner Bros., its registration dating from April 1, is second.

Every United Artists producer and top exec has been given a thorough quizzing by Fortune mag in preparing a story on the distributing outfit for its December issue. Mag will have color photos on hand at the opening of Charles Chaplin's 'The Great Dictator' at the Capitol and Astor theatres, N. Y., next Tuesday (15).

Frisco Theatres Again Drive vs. Daylight Time

San Francisco, Oct. 8. Opening gun in theatres' campaign to defeat daylight saving proposition on November ballot, fired this week when Fox-West Coast's, Warfield ad (4) blossomed out with circular spot bearing plea to 'Vote No.' Complete wordage runs, 'Why get up an hour earlier? Defeat Daylight Saving. Vote No. Proposition No. 5, Nov. 5th.'

Chain was major factor in licking time principal campaign slogan was '24 Hours Make a Day. You Can't Add Another Any Way.' Studios coped on previous occasion with barrage of trailers ridiculing plan.

Noel Smith's WB Pic

Hollywood, Oct. 8. Noel Smith gets the director's chair on Warners production of 'Father and Son', the only story Booth Tarkington ever wrote directly for the screen.

Picture, adapted by Fred Niblo, Jr., is slated to roll Oct. 15.

REP'S 2 NEW STAGES

Hollywood, Oct. 8. Republic has started construction on two sound stages, each to cost about \$250,000.

Each studio will be equipped with all departments.

Spurred by the desire to bring talking pictures to an ever higher state of technical perfection, ERPI and Bell Telephone Laboratories will continue to work hand in hand to anticipate and solve your problems of tomorrow. In years ahead, you can depend upon these two organizations to point the way to still finer apparatus for recording and reproducing sound in pictures.

Electrical Research Products Inc.

195 BROADWAY, NEW YORK, N. Y.

SUBSIDIARY OF

Western Electric Company

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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Key to Type Abbreviations: M—Melodrama; C—Comedy; CD—Comedy Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical. Figures herewith indicate date of VARIETY's review and running time.

WEEK OF RELEASE—8/23/40

He Stayed for Breakfast (Col)	8/14	CD	86	M. Douglas-L. Young
Missile People (Mono)	5/31/39	D	69	W. Fyfe-L. Hardin
Arizona Frontier (Mono)		W	53	T. Ritter-S. Andrews
Range Busters (Mono)		W	53	R. Corrigan-J. King
The Great McGinty (Par)	7/24	C	81	B. Donnell-M. Andrews
Lucky Partners (RKO)	5/21	C	88	G. Rogers-R. Colman
Pier 13 (20th)	8/14	D	127	L. Bari-L. Nolan
The Sea Hawk (WB)	7/24	D	127	E. Flynn-B. Marshall

WEEK OF RELEASE—8/30/40

Peppers in Trouble (Col)	9/18	C	63	E. Fellows-P. Peterson
Queen of the Yukon (Mono)		C	117	C. Bickford-L. Rich
Boon Town (Mono)		D	117	C. Gabler-L. Tracy
Young People (20th)	7/17	CD	77	S. Temple-J. Oakie
Rhythm on the River (Par)	8/21	C	92	B. Crosby-M. Martin
Dance Girl, Dance (RKO)	8/28	D	98	G. O'Hara-L. Hayward
They Drive by Night (WB)	8/7	M	93	G. A. Sheridan
Oklahoma Renegades (Rep)		W	95	R. Livingston-R. Hutton
Kit Carson (UA)	8/28	W	95	L. J. Hall

WEEK OF RELEASE—9/6/40

Chan at Wax Museum (20th)	10/2	M	63	S. Toler-S. Yung
Fugitive from Prison Camp (Col)	8/7	RD	78	J. Holt-M. Marsh
R. Kidare Goes Home (M-G)	9/4	M	81	D. L. Barrymore
Up in Air (Mono)		M	81	F. Darro-M. Moreland
Who Is Guilty? (Mono)		M	81	R. Lyon-B. Blair
Arzeneo Nights (UA)	9/4	M	72	R. H. H. Sisters
Ride, Tenderfoot, Ride (Rep)	8/21	W	68	G. A. S. Burnette
Men Against the Sky (RKO)	8/28	RD	73	R. Dix-K. Taylor
Calling All Husbands (Par)		C	61	G. Tobias-L. Fairbanks

WEEK OF RELEASE—9/13/40

Howards of Virginia (Col)	9/4	D	113	C. Grant-M. Scott
Wyoming (M-G)	9/11	W	94	W. Berry-L. Carillo
The Age (Mono)		M	81	Boris Karloff
Girl from Havana (Rep)	9/11	RD	69	D. O'Keefe-C. Carleton
Dreaming Out Loud (RKO)	9/18	C	70	L. Lum and Abner-F. Langford
My Darling (20th)	8/28	C	70	G. Murphy-B. Joyce
Hired Wife (U)	9/11	CD	95	R. Russell-B. Ahern
Leather Pushers (U)		C	98	R. Arlen-A. Devine
No Time for Comedy (WB)	9/11	C	98	J. Stewart-R. Russell

WEEK OF RELEASE—9/20/40

Before I Hanc (Col)	10/2	M	62	B. Karloff-E. Keyes
Haunted Honey-moon (M-G)	8/7	D	99	R. Montgomery-C. Cummings
That Gang of Mine (Mono)		M	81	J. Jordan-L. Gorcey
I Want a Divorce (Par)	9/4	M	81	J. Blondell-L. Powell
Thief of Bagdad (UA)		C	62	C. Veldt-Sabu
Triple Justice (RKO)	10/9	W	65	G. O'Brien-V. Vale
Colorado (Rep)	9/4	W	65	R. Rogers-G. Hayes
Yesterday's Heroes (20th)		CD	60	R. Sterling-L. B. Sisters
Mummy's Hand (U)	9/25	M	65	D. Foran-P. Moran
Rattling Cowboy Joe (U)	10/2	W	68	J. M. Brown-N. O'Day
The Westerner (20th)	9/25	W	97	G. Walsh-B. Brennan
City for Conquest (WB)	9/11	D	105	J. Cagney-A. Sheridan

WEEK OF RELEASE—9/27/40

Angels Over Broadway (Col)	10/9	D	78	D. Fairbanks, Jr.-R. Hayworth
Glamour for Sale (Col)		D	58	A. Louise-R. Pryor
Prize School (Par)		D	78	B. Lamour-P. Foster
Strike Up the Band (M-G)	9/18	MU	113	M. Rooney-J. Garland
Skv Murder (M-G)	9/25	M	71	R. Johnson-W. Pidgeon
Drums of the Desert (Mono)		M	88	I. Gray-R. Byrd
Rangers of Fortune (Par)	9/11	D	79	F. MacMurray-P. Morrison
I'm Still Alive (RKO)	10/2	RD	70	K. Taylor-L. Hayes
Know What They Wanted (RKO)		C	57	C. Laughon-C. Leonard
Under Texas Stars (Rep)	9/18	W	57	A. McQuinn-L. Ransom
Brigham Young (20th)	8/28	RD	112	T. Power-L. Darnell
Spring Parade (U)	10/2	MU	89	D. Durbin-R. Cummings
East of the River (WB)		C	89	J. Garfield-B. Marshall

WEEK OF RELEASE—10/4/40

So You Won't Talk (Col)		C	67	J. E. Brown-F. Robinson
Dulcy (M-G)	10/2	C	67	A. Sothern-L. Hunter
Ole Swamin' Hole (Mono)		C	67	M. M. Jones-J. Moran
Quarterback (Par)		CD	71	W. Morris-L. B. Sisters
Villain Still Pursued Her (RKO)	7/24	C	66	A. Louise-R. Cromwell
Wagon Train (RKO)		W	58	T. Holt-M. O'Driscoll
Gay Caballero (20th)	9/25	W	58	C. Romero-S. Ray
Diamond Frontier (U)	10/9	M	71	V. McLaglen-A. Nagel
Knute Rockne—All American (WB)	10/9	D	97	P. O'Brien-G. Page

WEEK OF RELEASE—10/11/40

Third Finger, Left Hand (M-G)		CD		M. Loy-M. Douglas
Trailing Double Trouble (Mono)		D		C. Corrigan-J. King
Moon Over Burma (Par)		D		D. Lamour-P. Foster
Melody and Moonlight (Rep)		CD		J. Downs-J. Frazee
Frontier Vengeance (Rep)	10/9	W	37	D. Barry-M. Moran
Too Many Girls (RKO)	10/9	MU	84	L. Ball-R. Carr
Down Argentine Way (20th)	10/9	MU	52	D. Ameche-B. Grable
Seven Sinners (U)		RD		M. Dietrich-J. Wayne
Father Is a Prince (WB)		C		M. Mitchell-L. Patrick

WEEK OF RELEASE—10/18/40

Nobody's Children (Col)		D		E. Fellows-L. Wilson
West of Abilene (Col)		D		C. Starrett-M. Cooley
Escape (M-G)		D		N. Shearer-R. Taylor
Christmas in July (Par)	9/18	CD	88	D. Powell-E. Drew
Night Train (20th)		D		M. Lockwood-R. Harrison
Laddie (RKO)	9/18	C	69	T. Holt-S. Byington
Slightly Tempted (U)		C	66	H. Herbert-F. Moran
Dispatch from Reuters (WB)	9/25	D	89	E. Robinson-E. Best

WEEK OF RELEASE—10/25/40

Girls Under 21 (Col)		D		F. Kelly-R. Hudson
Hullabaloo (M-G)		MU		F. Morgan-B. Burke
Phantom of Chinatown (Mono)		D		K. Luke
Cherokee Strip (Par)	10/2	W	84	R. Dwyer-J. Jory
You'll Find Out (RKO)		MU		R. Kiser-H. Parrish
Young Bill Hickok (Rep)	10/2	W	39	E. Rogers-G. Hayes
Great Front (20th)	7/21	CD	79	J. Barrymore-M. B. Hughes
Little Bit of Heaven (U)		C		G. Jean-R. Herbert
Tugboat Annie Sails Again (WB)		C		M. Rambeau-A. Hale

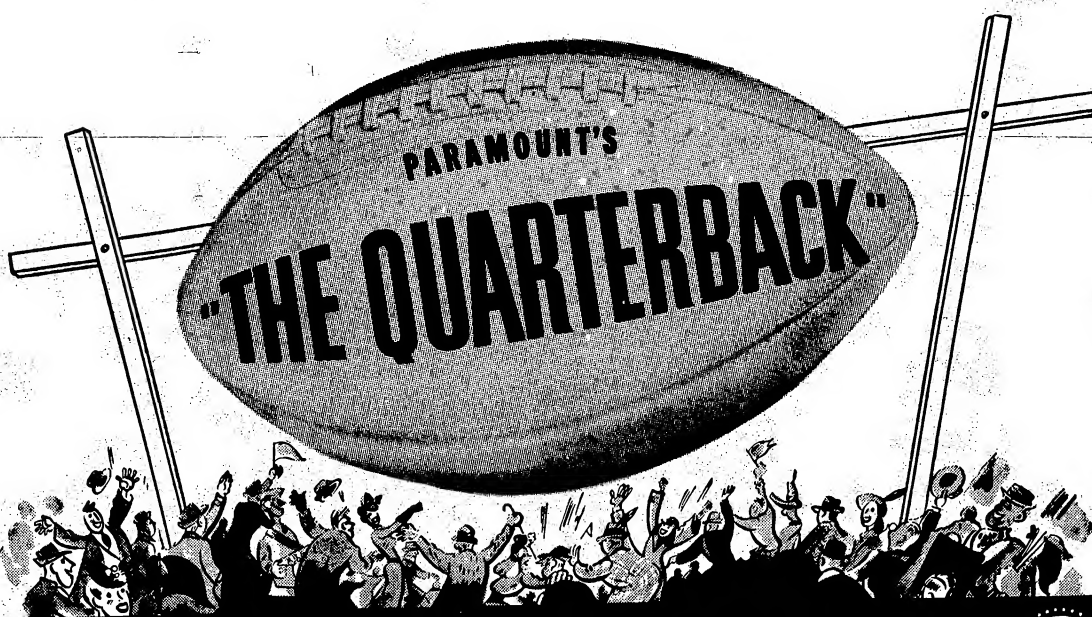
WEEK OF RELEASE—11/1/40

Blondie Plays Cupid (Col)		C		F. Singleton-A. Lake
Little Nellie Kelly (M-G)		MU		J. Garland-G. Murphy
Parsons of Devil's Gap (Mono)		D		T. Ritter
Arise, My Love (Par)		C		C. Colbert-R. Milland
L'I Abner (RKO)		C		G. Owen-M. Ray
I'm Nobody's Sweetheart Now (U)		C		D. O'Keefe-C. Moore
South of Sumatra (U)		D		F. Arlt
Lady with the Red Hair (WB)		D		M. Hopkins-C. Rains

WEEK OF RELEASE—11/8/40

Blister Sweet (M-G)		MU		J. MacDonald-N. Eddy
Dancing on a Dime (Par)		D		G. McDonald-R. Paige
Little Men (RKO)		D		K. Francis-J. Oakie
Who Killed Aunt Maggie? (Rep)		D		J. Hubbard-W. Barrie
The Mark of Zorro (20th)		D		T. Power-L. Darnell
Fireman, Save My Child (U)		C		S. Erwin-U. Merkel
Son of Monte Cristo (UA)		D		L. Hayward-J. Bennett
Always a Bride (WB)		C		R. Lane-G. Reeves

**Congratulations,
Warner Brothers,
on
"Knut Rockne, All-American"
from another great football player
and box office attraction . . .
PARAMOUNT'S
"THE QUARTERBACK"
now bowling over all opposition
from coast to coast!**



"THE QUARTERBACK" A Paramount Picture with Wayne Morris • Virginia Dale
Lillian Cornell • William Frawley • Edgar Kennedy • Jerome Cowan • Alan Mowbray
Original Screen Play by Robert Pirosh • Directed by H. BRUCE HUMBERSTONE



Editors Reappraise Inroads

Continued from page 7

harmful by the series of crises arising in the past few years. That's exemplified by a study of recent best-seller lists, which reveal that 10 of the top 18 novels originated abroad. They include "How Green Was My Valley" by Richard Llewellyn, owned by 20th-Fox; "Mrs. Miniver" by Jan Struthers, "To the Indies" by C. S. Forester, "The Bird in the Tree" by Elizabeth Goudge, "The Mixture as Before" by Somerset Maugham, "Gypsy, Gypsy" by Rumer Godden, "Madam Tortha" by Sigrid Undset, "The English Air" by D. E. Stevenson, "Cabbage Holiday" by Anthony Thorne and "Mr. Slingfong" by Elizabeth (owned by Warner Bros.).

Fact that half of what America is reading originates in England discloses importance to this country of foreign literary markets. On the other hand, the fact that only two of these 18 novels are owned by film companies shows that they are not proportionately dependent on European sources. Great majority, by far, of American films are American written, which studios feel is at least to be despite their avid interest in European works.

\$5,000 Option for 'Miniver'

Unusual nature of the book and uncertain interest of the film companies in it has led to an offer to all studios of a three-month option for \$5,000 on "Mrs. Miniver," novel currently at the head of the best-seller list. Metro, Warner Bros. and 20th-Fox are showing the most interest.

Book by Jan Struthers has no running story, but has achieved its current popularity by the pleasant nature of the chief character. It would be necessary therefore for the studio to concoct complete story around "Mrs. Miniver." Kenneth McKenna, Metro studio head, had Miss Struthers herself prepare a treatment, but it was not what he wanted. Result is the three-month option offer so that studios can try their own hands at it.

Advance copies of Ernest Hemingway's forthcoming novel on the recent Spanish war were received by eastern story departments last week. Book, tagged "For Whom the Bell Tolls," generally regarded, after lengthy reading by film companies, as a strong pic possibility. It has been chosen as a Book of the Month Club selection, still further enhancing its chances.

"Dust in the Afternoon," baseball serial by Holmes Alexander, which recently appeared in the Saturdaypost, has also attracted film interest. Tag of \$10,000 has been set on rights.

Douglas Fairbanks, Jr., has purchased screen rights to "His Majesty, the King" by Cosmo Hamilton. Orig-

inally written in play form, it was produced in London around 1925. Following year, Doubleday-Doran published it as a book in this country. Fairbanks paid under \$5,000 for the story, in which Charles II of England is principal character.

Fairbanks said in New York yesterday (Tuesday) that he has no definite plans for the picture to be made from "Majesty," but that his father read the play about a year ago and recommended it to him. He may produce it in cooperation with Ben Hecht. Pair have a releasing deal with Columbia. Fairbanks, who has been Washington and New York working and making speeches for William Allen White's Committee to Defend America by Aiding the Allies, returns to the Coast Oct. 20 to begin preparation for "American Vagabond," O. Henry biopic, which he will appear for Paramount.

Meyer Levin, former film writer for Esquire mag, clicked last week with his first story for pictures, "Power House," bought by Paramount for \$10,000. Collaborating with him on the original was A. I. Bezzerides, whose story, "Long Haul," recently became "They Drive By Night" at Warner Bros. Levin, author of several novels, has been hitting mags regularly recently with short stories.

Story Buys

Lollywood, Oct. 8. Columbia bought "Cool Million," by Nathaniel West and Boris Ingster. Jack Natterford sold "She Loved an Actor" to Producers Corp. of America.

J. Robert Bren and Gladys Atwater sold their western yarn, "American Empire," to Harry Sherman.

Consent Decree

Continued from page 6

be on hand to battle against the groups-of-five sales plan. One leader expressed the view that he may expect to spend a good deal of time on the consent fight, but was ready to do so in behalf of himself and brother exhibitors. Probable that Bob Wilby, influential southeastern Paramount partner, and Fred Kent, counsel for the E. J. Sparks (Par) circuit of Florida, will come up to lead the offensive in behalf of all partners. They are the official spokesmen for the Par partner-opponents.

Jacob Schechter, attorney for Max Cohen, president of Allied Theatre Owners of New York, unit in the Motion Picture Theatre Owners of America, appeared in Judge Goddard's court Monday (7) to declare the intention of this Allied unit to intervene and asked that the Gov-

ernment be directed to provide him with a copy of the decree. Final contents have not been officially released as yet. Judge Goddard told Schechter it was up to the Dept. of Justice to decide if copies of the decree were to be given out.

Schechter believes that the main bone of exhib contention is the selling of film in blocks of five and that if agreement could be reached with exhibs on this, there would be no objection to the balance of the decree. However, it believed in some quarters that the proposal under arbitration limiting complainants to exhibs having no more than five theatres, will arouse some beefs. Par partner is known to be in opposition to this proposal under arbitration, calling it one-sided.

Both the Motion Picture Theatres of America and the Independent Theatre Owners Assn. of New York are expected to put up a stiff battle against selling and buying in packages of five.

The IPTOA, headed by Harry Brandt, has been conducting a poll of exhibs to determine whether they would prefer the present block-buying system with a suitable rejection privilege or the proposed block-of-five plan.

Brandt got in touch with Arnold offering to forward him results of the polling but Arnold is quoted as saying, in effect, that "I am not interested in any exhibitor poll. I have reason to believe that exhibitors will benefit by the decree as written."

Arnold's Face Saver

Brandt thereupon charges that Arnold is using the consent decree as a face-saving device as a means of impressing his superiors and others that he has at last put an end to blockbooking and blind selling, "ridding the picture industry of its two greatest evils."

Having asked exhibs to write Judge Goddard pressing for a rejection of the consent decree, Brandt also charges at Arnold by taking the view that it is a peculiar turn of events when the anti-trust suit launched against by the film companies, on behalf of indie exhibs, proves a boomerang and theatre owners find that they are now fighting against Government recommendations.

Making note of the fact that exhibs are not party to the U. S. lawsuit, Ed L. Kuykendall, president of the MPTOA, takes the stand, however, that the Department of Justice should listen to the theatre owners "who will be directly and drastically affected by the decree if it is imposed on our business."

Insisting on being heard, the MPTOA has been heard by the D. of J. what is wrong with the blocks-of-five selling provision which "will only aggravate and increase the abuses in compulsory blockbooking and blind selling, which abuses we have been trying to remove by an adequate cancellation right?" MPTOA adds that this drastic prohibition on advance buying and does not provide for any reasonable selection of pictures.

Kuykendall's Idea

Aside from an adequate cancellation right under the present block-selling system, Kuykendall has recommended that it is the real purpose to prevent the tying up of product on long-term deals, this could be accomplished by a simple provision that would prohibit the licensing of pictures more than six months ahead of release. Such a provision, it is contended, would allow for cancellations at the time of booking and would in effect do away with blind selling as virtually all features are actually in production at least six months before release.

MPTOA also takes exception to the provision under arbitration which provides that only if over-buying occurs after the block-of-five selling plan goes into effect (Sept. 1, 1941) will complaints be arbitrated. Also, it is held that relief under arbitration is restricted because it will apply only for exhibitors operating five theatres or less and do not have a buying agent. The MPTOA, moreover, has doubts about compelling any exhib who has the clearance or who has the product to submit to arbitration and forcing him to comply with a decision that cuts down his clearance on terms over his product to a competitor.

Vet Extras

Continued from page 15

hike given other Society classifications.

AFL's 100% Move
The first direct move by the American Federation of Labor to organize the studios 100% AFL will be taken this week when a call is sent out for

U Stockholders Suit

Continued from page 7

quire the control of Universal at no cost to themselves. Since then they secured the resignation of officers and directors, and substituted directors who would be subservient to their wishes, terminated existing contracts, etc. It is also charged that excessive fees and commissions were paid, and that employment contracts at excessive salaries were entered into.

Syndicate Changed

Cowdin caused Standard Capital and Rogers to form a syndicate with Exhibitors Reliance Corp., a wholly owned subsidiary of Epi's, to loan Universal \$750,000. An option was then granted by Carl Laemmle to purchase 227,690 shares of common, or 90% of the common; 20,000 shares of second preferred, or all the preferred; 200 shares of common of E. U., or 80% of the outstanding stock for \$5,450,000. The loan of \$750,000 was subsequently raised to \$1,050,000, with Standard Capital, Eastman Kodak, and the Bank of America, National Trust & Savings Assn. each contributing \$100,000.

Complaint then goes on to say that the price of purchase was exorbitant, as from 1930 to November, 1935, Universal had \$4,147,605. It is claimed that the "conspirators" planned to pay for the purchase by "looting" Universal of one of its most valued assets, Universal Pictures, Ltd., English subsidiary, and by using the proceeds of the disposition of Universal Pictures, Ltd., to pay for the purchase price of the parent corporation.

Toward the purchase price it is claimed that Cowdin put up \$2,000,000; Eastman Kodak \$1,000,000; Rank \$1,075,000; Rogers \$200,000; and Standard Capital \$200,000. Rank then subscribed to debentures and stock of Universal, and received the right to purchase Universal Pictures, Ltd., for \$600,000, a nominal sum. It is alleged actual value of the subsidiary company was over \$3,000,000. Continuing in its charges, complaint declares that on Nov. 14, 1939, Cowdin caused Standard Capital to enter into an agreement with Universal and Rogers and forced Universal to employ Cowdin at \$1,750 weekly as chairman of the board of directors of Universal, Cochrane as president, and Rogers as executive v.p. in charge of production.

Pressure on Universal

It is claimed that Cowdin caused Universal to issue 525,681 shares of common to the seven voting trustees, three of whom were Cowdin, Rank and Rogers, and the four others directors of Standard Capital. Universal money was used to

settle personal obligations of the defendants, it is claimed, with one example cited, that of Lawrence S. Howard, who was paid \$50,000 for obtaining a loan for Universal, when it is claimed he actually performed services for some of the individual defendants.

The contracts of Cowdin, Rogers and Cochrane, each for five years at \$1,750, \$2,000 and \$2,000 respectively weekly, are attacked with the charge made that neither Cochrane nor Rogers had the business ability or experience to be worth the salaries they were paid. It is claimed that the company consistently lost money while these executives were in charge, and that the company was forced to let them both go, but paid them in full. Cochrane's settlement was in excess of \$200,000 it is claimed, while Rogers was paid in full.

Since the majority of the board participated in the acts charged in the complaint, it is stated that no attempt has been made to get them to rectify the situation. An accounting by all the defendants is sought, cancellation of existing employment contracts, the payment back of all funds "milked" from the company, dissolving of all the mergers, and the dismissing of Cowdin is asked.

Application was made Monday (7) to the supreme court to examine George N. Armby, Daniel C. Collins, J. Cheever Cowdin, Preston Davis, Paul G. Brown, Ottavio Procket, Budd Rogers, Samuel Spring, Willis H. Taylor, Jr., R. H. Cochrane, Universal Corp., Big U-Corp., Standard Capital Corp., and Universal Pictures Inc., before trial.

Universal's Statement

"The main basis of the complaint filed by Mr. Posen against Universal and its directors is the sale of an English distributing subsidiary and the making of certain employment contracts after the recent change in ownership of Universal," says a formal company statement.

"The subsequent history of Universal and its record of progress and achievement, domestically, in England and throughout the world is a complete justification of the distribution and other policies pursued by the new owners and management and a complete answer to the baseless and unfounded charges of mismanagement."

"Universal and its directors are confident that they will thoroughly answer these charges in court when the case comes up for trial."

a meeting of representatives of 2,000 studio building service employees. The call will include studio policemen, firemen, watchmen, janitors, doormen, matrons, etc. The organizational work is being supervised by Aubrey Blair, recently appointed AFL organizer for Hollywood, and Rex Fimmel, business representative of Building Service Employees Union. In the meantime, Blair is flirting with the Society of Motion Picture Film Editors and the Screen Publicists Guild in an effort to bring them into the AFL fold.

The Screen Publicists Guild has voted to reopen its current contract with the producers and will ask that "job protection" clause be inserted in the agreement to cover flacks who enter military service.

Selling Up

Continued from page 5

exist, buyers have also raised plenty of resistance. Under some of these deals there is an increase for this season ('40-'41). Where, for example, a two-year deal was written last summer and an increase in terms is called for the second (current) year but during '39-'40 the product was under expectations, efforts are being made to get adjustments. Some of these carryover deals may be rewritten as a result.

This year the distribution executives from v.p.'s and general sales managers of home offices down, have been hitting the rails and air lines hard in getting out to the field themselves on film deals. They have been putting up the biggest scrap of their careers, visiting all parts of the country to personally press buyers for the best possible contractual results. Branch managers themselves have also been putting in extra flicks instead of depending mostly on their salesmen.

Republic has set its 1940-'41 product with the Interstate circuit of Texas,

largest in the southwest. R. J. O'Donnell acted for Interstate, while Jimmy Grainger, William Underwood and Claude Ezell, Texas Rep franchise holders, and Lloyd Rust, Dallas exchange manager, represented the distributor.

Two late major deals closed by RKO are with the R. E. Griffith and Roy Martin chains, former operating 118 houses in the southwest and mid-west; the Martin chain of theatres in Georgia, Florida, Alabama and Tennessee.

Ned Depinet, v.p. of RKO, headed the group which negotiated the Griffith buy, while southeastern district manager Dave Prince and H. M. Lyons, Atlanta branch manager, secured the Martin deal.

LOEW'S REGULAR DIVVY

Loew's board of directors, meeting Wednesday (2) at the regular monthly session, declared the usual quarterly dividend of 1.62½% on the preferred stock, thereby maintaining the annual rate of \$6.50.

Divvy is payable Nov. 15 to stock on record, Oct. 29.

You've 840 acres of lawn at The Mayflower, yet nearly all forms of transportation are at your door. Rooms and suites by the month—or longer.

The Mayflower

New York Theatres

Suits on sale for Mat. and Eve. shows, TODAY and all other matinees this Oct. 14

GONE WITH THE WIND

ASTOR
ALL SEATS RESERVED
Twice Daily 2:15, 8:15 p. m.

RADIO CITY MUSIC HALL

"THEY KNEW WHAT THEY WANTED"

Spectacular Stage Productions

"Long Voyage Home"

UNITED RIVOLI Broadway at 45th St.
Shows Open 8:30 A.M. MIDNITE SHOWS

PARAMOUNT

A Paramount
Picture
"I WANT A DIVORCE"
with
Dick Powell
Joan Blondell
Midnight Screen Shows

THIRD WEEK!

JAMES CAGNEY • SHERIDAN ANN
IN
"CITY FOR CONQUEST"

A NEW WARNER BROS. HIT
with
PERSON BOBBY BYRNE & HIS
LATE Film STRAND Broadway & 47th St.
NIGHTLY

RKO PALACE

Week Beginning Thursday, Oct. 10

SEE BANNED NAZI FILM

"BAPTISM OF FIRE"

In

"RAMPARTS WE WATCH"

and

"DANCE, GIRL, DANCE"

LUCILLE BALL • LOUIS HAYWARD

Capitol

HELD OVER
Last BIG Week!

Mickey Rooney • Judy Garland

"STRIKE UP THE BAND"

A Metro-Goldwyn-Mary Picture

State

Last Times Wed.

"RHYTHM ON THE RIVER"

In Person

LEO REISMAN and Orch.

Starts Thurs., Oct. 10

"ARGENTINE NIGHTS"

In Person

GRD. JENSEL

Hollywood Stars

I VISITED THE M-G-M STUDIOS!

By An Exhibitor

FOR years I've read about the studio that makes the hits!
UNTIL you see it with your own eyes you don't know the half of it!
I SAW acres of activity, factories, mills. I saw power plants,
OFFICE buildings. I saw miles of clean, wide streets lined with
HUGE stages where dreams come true! I found STABILITY! SECURITY!
I SURVEYED this exciting scene with the pride of partnership for truly
THE solidity of this Studio is a cooperative responsibility between the
MEN who make the pictures and we who exhibit them. I was at the
PREVIEW of "Third Finger, Left Hand" (Myrna Loy, Melvyn Douglas).
I ROARED with that howling audience and I predict it will top
"I LOVE You Again." I sat with the first enthralled public to see
"ESCAPE" that great film from a great book! (Norma Shearer is the Countess,
Robert Taylor is the lover.) I laughed and wept at Judy Garland's
"LITTLE Nellie Kelly" a darling of a show. I attended the historic preview
OF "The Philadelphia Story," (a New Year's Gift!) Here is box-office
ENTERTAINMENT that sparkles with fun, romance and
CAST! (Cary Grant, Katharine Hepburn, James Stewart). I saw
"BITTER SWEET" in the projection room! Such opulence of Technicolor
SPECTACLE has never before graced the screen.
SUCH music (Jeanette MacDonald, Nelson Eddy) has never been heard
SINCE magic sound began! I'm thrilled to return to my theatre
INSPIRED by the infectious pep of M-G-M, by my talks with
IT'S down-to-earth producing staff, directors, executives,
BY the many M-G-M stars and by the amazing group of
YOUNG stars on the way UP! I saw the smoothest functioning
ORGANIZATION that the amusement world has ever known.
I'VE just signed a contract for 1940-41 with the one and
ONLY outfit... the Friendly Company of M-G-M!

Niles Trammell Emphasizes Courtesy; Says 'Use Almonte's Services More'

Niles Trammell, NBC prez, thinks that the network's personnel should show more interest in spreading goodwill and helpfulness among clients and affiliated stations. He wants the executives to extend a warmer courtesy and friendliness to customers or prospective clients whenever they are around a network plant and to make them feel they're always welcome and the staff is anxious to do them favors.

In a memo to department and division heads last week Trammell not only expressed these sentiments but urged that the executives learn to cooperate with and make fuller use of John Almonte, the network's No. 1 greeter. Almonte's services, the memo stated, were available at all times when it came to creating good-will, and that it was expected that all departments take advantage of what the memo described as Almonte's 'unique ability.'

COUGHLIN HOPES TO GET BACK ON AIR

Detroit, Oct. 8.

Although he said he was through, Father Charles E. Coughlin intends to push his fight for broadcasting time on the big networks, Alfred R. Robitaille, chairman of the Friends of Father Coughlin declared at a meeting of a 100-man committee here.

Coughlin wishes his followers to remain inactive for a time, at least until the national election is over (Wendell Willkie scornfully rejected Coughlin's proffer of help). Robitaille declared. During the same meeting he stopped persons from distributing leaflets urging the following to work again for the re-election of President Roosevelt.

During the lull, he said, the Committee of the Friends of Father Coughlin would be to further the sale of his publication 'Social Justice' and Christmas cards.

Meredith Willson Tells Carnation That Title 'America Sings' Is His

Hollywood, Oct. 8.

The cows might have been contented but Meredith Willson wasn't when Percy Faith, the Canadian, bated Carnation's 'America Sings' broadcast last Monday. Willson has made representations to both Faith and Carnation that the title of the show was fitted from his own pasture and he is demanding consideration of prior right to the tag.

Back in May of 1935, when Willson was coast music director for NBC he led the studio orchestra in a transcontinental sustainer under the title of 'America Sings.' That program carried through to November of 1937, when Willson came to Hollywood in quest of commercial recognition.

Chosen last summer to fill the hiatus for Fibber McGee and Molly with a musical program, Willson revived his 'America Sings.' A few days before the series opened the agency decided on a change in title inasmuch as the program had Canadian outlets. Reasoned the execs, Canada might take exception to the title on the theory 'while our nationals are being bombed America is singing.' The program bowed in as Meredith Willson's Musical Revue.

Last week Willson had Attorney Martin Gaug write one of his letters to Faith and Carnation but to date nothing has come of it.

Othon Velez Very Ill

Mexico City, Oct. 8.

Othon Velez, general manager of local radio station XEW here, and one of Mexico's outstanding radio personalities, is gravely ill at his local residence of a liver complaint. He's under the care of two specialists.

NBC's Poughkeepsie Bonus

WKIP, Poughkeepsie, has joined the NBC-blue as a bonus outlet in connection with WABY, Albany. Brings the NBC affiliate list up to 200 stations.

MYERS FETES 10-YR. VETS

Portland, Ore., Oct. 8.

Staff members of KOIN who have been in service for ten years or more were honor guests at a banquet last night at the Heathman hotel. C. W. Myers, president of the station was host and gave guests gold pins making them charter members in the KOIN Ten-Year Club now numbering 13. The party could not get underway until midnight necessitated by the fact that all of the staff could not get away until the day's broadcasting was complete. Participants felt the banquet beginning at this late hour set some kind of precedent.

Besides Myers, C. Roy Hunt, general manager, and Art Kirkham, toastmaster, the following received service pins: Ruth Bjork of KOIN's production office; Bruce Fictl, account executive; Johnny Walker, production manager; Joseph Sampietro, musical director; Owen Dunning, staff musician and arranger; Earl Denham, technician; Ted Kooreman, Tom Case and Newt Hedin, account executives, and Jack Lombard, technicians.

KENNY BAKER'S TRAVELS

Files in from Concert Dates for Fred Allen

Kenny Baker will fly in and out of New York each week for his singing stints on the Fred Allen program after Nov. 2. Tenor begins on that date his second year of concert touring, taking him through 13 presently scheduled stops, with more to come. Most of the jumps between stands will be by plane, and on several of the hops back into New York he'll get in on Tuesday just in time for rehearsal and the Allen program the following day.

Starting at El Paso, Texas, Nov. 2, singer covers Abilene, Texas, Nov. 4; Denver, Colo., 9; Kansas City, Mo., 11; Shreveport, La., 15; Little Rock, Ark., 17; Birmingham, Ala., 18; Sioux Falls, S. D., 22; Omaha, 24; Laramie, Wyo., 25; Dallas, 29; San Antonio, 30; and Houston, Dec. 2.

Columbia's 53.5% Food Increase

General Foods and Campbell Soup Dominant in Huge CBS Division

General Foods has not only become Columbia's No. 1 spender but is in a big measure responsible for the network's 53.5% boost in food account business so far this year. This classification is also ahead of any other by a wide margin on the same network.

GF currently has nine programs running on CBS, with the Kate Smith hour the evening leader. There's also on night schedule 'We the People' and 'Grapenuts,' part sponsorship of Elmer Davis' news summaries. The daytime strips take in 'Kate Hopkins,' 'Portia Faces Life,' 'Kate Smith Speaks,' 'My Son and I,' 'Joyce Jordan, Girl Interne' and 'Young Doctor Malone.'

For the first nine months of the present year Columbia's billings from General Foods was \$2,760,664, while NBC's gross from the same source figured \$1,274,188. CBS' business from the like source for the parallel period last year was \$1,914,086 and NBC's \$1,451,880. CBS' gross from food accounts last year was \$9,688,774.

Based on the contracts in hand CBS' estimate of the General Foods billings for 1940 is \$4,073,277. Its estimates in the case of Campbell Soup is \$3,982,948.

Other statistical data in connection with CBS and its food business follows:

	1940*	1939	% Increase
Food Expenditures (nine months).....	\$9,608,256	\$6,267,919	53.3%
No. of Advertisers (nine months).....	21	18	16.7%
No. of Programs (nine months).....	36	30	20.0%
General Foods* (nine months).....	2,760,664	1,914,086	44.2%
Campbell Soup (nine months).....	2,912,434	1,315,345	121.4%
Gross Weekly Billing (October).....			
General Foods.....	101,638	79,453	27.9%
Campbell Soup.....	81,175	70,234	15.6%

*Gross billings for September, 1940, are estimated.

**Includes LaFrance & Satina.



VICTOR MILLER

Musical Director at WSYR, Syracuse, N. Y., and widely known for his concert work as pianist and conductor, as well as a composer. Twenty-three years of concert, theatrical and radio work, here and abroad, give him a background second to none.

His regular WSYR broadcasts are favorites with listeners.

DUPONT GETS 28 OKAYS ON ITS BLURBS

DuPont has chainbreak announcements on its anti-freeze products running on about 40 stations for a period of 10 weeks. B.B.D. & O., agency on the account, tried to get them spotted in every case contiguous to the manufacturer's 'Cavalcade of America' (NBC-red), which is strictly institutional, but it obtained okays on only about 28 stations. Another dozen outlets had to schedule them at later periods during the same evening (Wednesday). It's the first time that this type of tieup has been undertaken in behalf of DuPont.

California and Arizona CBS Stations May Get Postum's KNX Program

CBS California Network and the CBS affiliates in Arizona, KOY, Phoenix, and KTUC, Tucson, may be used by Postum (General Foods) as a special hookup for a quiz show originating out of KNX, Los Angeles. Young & Rubicam, agency for the account, would do the producing.

Schedule under consideration is a quarter hour a day (4 p.m. PST) five days a week.

WCKY Salutes Versatile Crosley

Cincinnati, Oct. 8.

Station WCKY pays tribute to Powel Crosley, Jr., tonight (Tuesday) 10:30 in special broadcast. Crosley's civic endeavors, his radio pioneering, success in manufacturing line and more recently his bringing of two baseball pennants to Cincinnati with Reds will be subject of salute program.

L. B. Wilson adds WCKY will also be able to salute him as president of the 1940 World's Champions.

John Royal's New NBC Portfolio

Will Concentrate on Shortwave, Television, Facsimile and F-M—Speculation on Strotz Move

BROOKLYN KNOWS 'EM

That's Why Ruthrauff & Ryan Chose Barber, Helfer

Two announcers identified with the broadcasting of Brooklyn Dodger baseball games have been selected by the Ruthrauff & Ryan agency to carry the emcee chores for Noxema's 'Battle of the Boroughs' quiz which starts this Sunday at 9 p.m. over WOR: Red Barber and Al Helfer are the men.

Idea of using two personages known to Brooklyn, where partisan feeling runs high, seemed a natural for a quiz contest attempting to stir rivalry between the front yard and back yard of New York.

Noxema has launched inter-city quiz battles in various spots throughout the U.S.A. A review of the Hartford-New Haven program is in this week's VARIETY.

Nate Tufts is production supervisor for Ruthrauff & Ryan.

NBC PROMOTES HARRY KOPF

Chicago, Oct. 8.

Harry Kopf has been promoted to post as general manager of the NBC Central Division here following the imminent shift of Sidney Strotz to New York as program director of NBC.

Kopf has been manager here of the NBC-red sales staff and has been a member of the NBC Chicago sales organization for several years. Switch takes place on Nov. 1.

FRANK CONRAD EXITS MCCANN-ERICKSON

McCann-Erickson is having another reshuffle in its radio department. This time it's the time buying department. Frank Conrad last week turned in his resignation, effective as soon as he has closed for a connection with under negotiation. Also going is Conrad's assistant, Bert Adams, who will probably within the next two weeks join a station rep organization.

Conrad has been with McCann-Erickson for four years, coming from the sales staff of NBC. Before that he had been an executive at KDKA, Pittsburgh.

Ken Dolan, Jim Doane

In Crosscountry Switch

Ken Dolan and Jim Doane, talent agency partners, have switched offices for six months. Doane will remain in New York and Dolan will take over in Hollywood.

Doane came on last week and Dolan and his wife, Shirley Ross, left New York Friday (6). They stopped over in New Orleans for a couple of days on the way out.

KFBI Spieler Dies

Wichita, Kas., Oct. 8.

J. Victor Tessing, 31, announcer for radio station KFBI, died in a local hospital recently from cerebral hemorrhage suffered while at work in studio. In addition to announcing duties, Tessing was member of Pioneer Quartet. He came to Wichita eight years ago from Chicago where he formerly was in advertising agency. Joined KFBI staff when it was moved here from Abilene early in year.

Widow, Alice, whom he married last June 29, mother and brother in Chicago survive.

Don Davis of WHB Hurt In New York Taxicab With the Dick Nicholls

Don Davis, of WHB, Kansas City, returned to New York City Monday (6) after undergoing treatment by his personal doctor in Kansas City for injuries received in an auto crash the previous Saturday night (28). After receiving temporary treatment Davis now hopes to meet day (29) for a thorough going over. Dick Nicholls, radio director for Morse International agency, who was in the same cab with Davis escaped with a sprained ankle, but Mrs. Nicholls suffered a fractured collarbone and a severe concussion of the brain.

The threesome were returning from a farewell party to Bill Hines, ex-Morse time buyer, when their taxi was hit by the trailer of a 10-ton truck as the latter went around a corner. The taxi's door was ripped off and Mrs. Nicholls and Davis went hurtling out, landing under the rear wheels of the trailer. Davis' eyeglasses were shattered and some of the splinters became imbedded. He also suffered a badly cut tongue and body bruises. A fourth occupant of the cab, Nellie Paley, vocalist, had her face cut.

BROMO-QUININE HAS WOMAN COMMENTATOR

Philadelphia, Oct. 8.

Besse Howard, woman news commentator, began a series of broadcasts on KYW yesterday (Mon.) sponsored by the Grove Laboratories of St. Louis for Bromo Quinine.

Miss Howard has recently returned from a tour of the South American Republics. Also acted as an observer at the Pan-American Conference held recently at Havana.

Goldrich to Puerto Rico

New Bedford, Mass., Oct. 8.

Bob Goldrich recently resigned as staff announcer at WNBH to enlist in the U.S. army.

Has been assigned to duty at Puerto Rico.

FLY'S INFLUENCE WIDENS

FIELD DAY FOR GYPING

Radio broadcasting is such a tremendous success in the United States that it has the happy ability to cover up flops, make blunders seem unimportant, and, in general, to cushion, absorb and neutralize all sorts of less-than-satisfactory performances within the framework of the industry's basic popularity with the masses. Hence any statement that 'this will ruin the business unless it's prevented' just doesn't make sense. Nevertheless, in a spirit of calm, unexcited but profound despair let it be affirmed that the so-called radio repair man has always been and still is one of the great liabilities of broadcasting.

Almost any gathering of average housekeeping couples will provide ample evidence of the petty rackets and nuisances habitually practiced upon the set-buying or set-owning public by men who represent themselves to be experts on sets. Of course the average set-owner cannot know a good man from a bad one until after he leaves. They peddle new aerials, new tubes, new gadgets which may or may not be necessary. They spend hours tinkering around. Then they collect their fees and depart and the set-owner a little later finds that he has been hornswoggled—again. Or there is the set that won't work because the maid has knocked out the connecting socket and put it back upside down. How many set-owners have been charged \$5 for a 'repairman' reversing the prongs of the socket? Big fees and quick, makeshift jobs are typical. The phony repairman violates most of the codes which city governments try to enforce on electricians. And no two radio repairmen will agree on what's wrong with a set, or how much it will cost to make it right.

The N. A. B. shows itself well informed on the facts of life when it fears that the pending wholesale wavelength shifting of 777 American stations will provide a glorious gyping opportunity which won't help the radio broadcasting industry.

The wholesale gyping will undoubtedly occur next spring and it is doubtful that anything beyond such pessimistic expressions as this can be done about it. However, the comforting thing about broadcasting is that it can survive the worst efforts of the fumbling, faking small fry.

NO MORE BEES IN EARLY'S EAR?

Chairman of FCC with National Defense Coordinator Role Added Looms as All-Powerful in Broadcasting Business

CENSOR FEARS

Washington, Oct. 8. James L. Fly, chairman of the Federal Communications Commission, has apparently succeeded in eliminating Steve Early as a go-between for the broadcasting industry with the White House. Chairman Fly has obtained a pledge from the networks that any subject which has to do with radio is to be handled through him and that there is to be no contacting of the White House secretary. Move not only upsets the first-hand connections which the President's press secretary formerly exercised, but reinforces Fly's administrative control over broadcasting. His influence is now becoming all-powerful.

It was rumored last week that Richard C. Patterson, Jr., now chairman of the RKO board and formerly an executive v.p. at NBC, was being groomed for the post of defense coordinator of broadcasting, but Washington insiders expressed themselves as certain that Fly had been firmly ensconced in this spot and that there wasn't a chance of anyone superseding him. Patterson also was formerly an assistant secretary of commerce in the Roosevelt administration.

Some See Censorship

Forecast of what broadcasters may be in for is the initial FCC move to tighten control over the programs of the nation's few, already closely watched, international transmitters. Stricter operating rules are in prospect, as a result of the general hysteria over fifth columns and subversive agitators. Notice of probable check-reining was given last week in a letter to the handful of licensees asking them to confer about the desirability of revising the regulations. Parley took place yesterday (7).

Idea is to compel operators to insist on having an advance script and of prohibiting any deviations. Transcriptions also would be required in order to make sure there were no interpolations or revisions.

The action, which more apprehensive watchers abhorred as a milestone on the road toward ultimate censorship, was taken by a group of FCC underlings without knowledge of the Commish. Only authorization was the tacit-encouragement from Chairman James L. Fly, who has been consulted incidentally by the engineers and attorneys dabbling in international service.

What will come from the suggestion depends to a considerable degree on the general industry reaction. If the standard station operators get alarmed about the implications—remote, though they may be at this stage—and turn on the heat, the Commish may back down. But the scheme will go through unless there is unexpected resistance.

Little concern has been displayed so far, except by a small bloc of industry observers who continuously suspect the FCC's motives, undertaking any innovation. In general, it is felt the Commish subordinates had sincere motives, although they had no guessers thought to the eventual consequences—the real implications of their action.

In behalf of the international operators, it was emphasized that no transgression prompted the move to maintain closer supervision. Patriotism of the DX-ers has not been suspected.

Amos 'n' Andy will be heard in Canada on transcriptions over station CKAC, Montreal, CFRB, Toronto, and all outlets used for account in the Dominion.

Cham Income From Time Sales

(NBC-red has again run ahead of Columbia on gross-time billings. CBS last month got \$3,108,448, while the red accounted for \$3,132,005. For Columbia it was a boost of 21.3% over the tally which prevailed September, 1939. Mutual grossed \$283,463 the past month, an increase of 34.6% over the parallel month of 1939.

On the first months of the year Columbia is up 22.1%; NBC, 10.8%, and Mutual, 23.1%.)

COLUMBIA

	1940	1939	1938	1937
January	\$3,575,946	\$2,674,057	\$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	2,654,026	2,424,180	2,363,478
May	3,097,727	2,907,484	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	1,988,412
August	2,875,657	2,341,636	1,423,865	1,955,280
September	3,108,448	2,563,132	1,601,755	2,028,585
Total	\$29,512,875	\$24,189,694	\$18,925,531	\$20,775,533

MUTUAL

	1940	1939	1938	1937
January	\$317,729	\$133,078	\$269,894	\$213,748
February	337,649	276,605	253,250	231,286
March	390,813	306,976	232,877	247,421
April	363,468	262,626	189,545	200,134
May	322,188	234,764	194,201	154,633
June	299,478	228,186	202,412	117,388
July	235,182	216,583	187,106	101,458
August	227,865	205,410	184,626	96,629
September	283,463	210,589	200,342	132,866
Total	\$2,777,833	\$2,256,817	\$1,872,255	\$1,496,573

NBC-RED

	1940	1939	*1938	*1937
January	\$3,496,393	\$3,211,161	\$2,634,763	\$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	2,886,517	2,627,721	2,261,344
June	2,919,405	2,759,917	2,550,040	2,209,304
July	3,141,902	2,713,798	2,371,065	2,018,820
August	3,072,338	2,737,826	2,366,161	2,094,306
September	3,132,005	2,750,688	2,397,333	2,057,513
Total	\$28,673,091	\$26,212,828	\$22,657,187	\$20,125,250

NBC-BLUE

	1940	1939	*1938	*1937
January	\$908,815	\$822,739	\$1,158,753	\$1,167,366
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	515,585	786,479	953,475
June	722,695	622,487	650,529	794,083
July	688,536	569,757	581,645	688,630
August	665,824	574,644	572,938	690,871
September	747,774	564,619	581,908	793,068
Total	\$7,335,264	\$6,297,540	\$7,245,335	\$8,165,738

*Different system for allocating billings to the red and blue networks prevailed these years.

FITCH HAS 109 RED STATIONS

Chicago, Oct. 8.

With the current week's broadcast, the Fitch Bandwagon broadcast rides on, hook-up of 109 stations on the NBC-Red web.

Added were 25 outlets at the inauguration of the Ramsey agency of Davenport (Ia.), which handles the Fitch shampoo account.

Radkey Teaches

Cincinnati, Oct. 8.

University of Cincinnati, which inaugurated an elementary course in radio script writing last season in its Evening College, has added a class for study of advanced scripting. Instructor for both classes is Arthur Radkey, assistant educational director of WLW, who has written more than 2,000 programs, ranging from drama to music criticism, since getting into radio five years ago.

Last season's elementary course was taken by persons from 17 to 55 years old, including teachers, newspaper writers, fashion commentators and an agriculturist.

A Career at Five

Toledo, Oct. 8.

Diana Jeanne Schultz, former Toledo youngster who began her radio debut on a children's program at WSPD, Toledo, now has her own 15-minute program on WMAN, Mansfield, O., starting Oct. 6. She is only five years old.

RICHARD MAXWELL'S ALBUM

Richard Maxwell, current conductor of a Monday through Friday afternoon program on CBS network called 'A Friend In Deed' has been signed by Columbia Records to turn out an album of recorded 'Songs of Cheer and Comfort'. He's been on the air for 13 years, last four at CBS.

He was once a chorus boy in the Greenwich Village Follies.

PUBLISHER'S SON RUNS WCBI, COLUMBUS, MISS.

Louisville, Oct. 8.

New station WCBI was opened in Columbus, Miss., Wednesday (2). Operating with 250 kw. power, on 1370. Station is owned by the Columbus Dispatch, with Barney Jones, Jr., in charge. His father is editor and publisher of the newspaper. Staff has been set, and consists of Walter G. Allen, formerly WSGN, Birmingham, commercial manager; Bill Williams, program director, who comes to WCBI via KTAT, KFDM, KORN, and who was for a time manager of WGRM, Grenada, Miss.; Robert Montgomery, chief engineer, Jimmy Arendale, assistant; Houston Cox, news editor; Paul Cresap, formerly WSKB, and Gene Edwards, recently with WHUB, Cookeville, Tenn. Miss Billie Fogarty is receptionist-secretary.

Many programs will originate at the Mississippi State College for Women, where special studios have been installed.

BEN GRAUER DEANING

Gets Release to Appear With Kay Kyser's College.

Ben Grauer has obtained a release from his contract to handle the announcing chores on 'Mr. District Attorney' in order to resume his playing of the 'Dean' on Kay Kyser's 'College of Musical Knowledge,' which starts emanating from New York again Oct. 23. Conflicting between the broadcast times of the two programs made it necessary for Grauer to choose one or the other. 'Attorney' airs 9:30-10 p.m. Thursdays, and Kyser follows immediately (10-11 p.m.) both on NBC Red. Announcer's last program for 'Attorney' is Oct. 16. Kyser's band goes into the Waldorf hotel, New York, Oct. 24.

Sawyer Preyz of WING

Dayton, Oct. 8.

Charles Sawyer has replaced Stanley M. Krohn, Jr., as president of WSMK, Inc., which operates WING. Ronald B. Woodard, the station's general manager, is now also a v.p., succeeding S. M. Krohn, Sr., resigned.

RADIO BONERS WORTH \$5 IF CARTOONABLE

Milwaukee, Oct. 8.

'Broadcast boners' heard over WTMJ are paying dividends for listeners. Edgar A. Thompson, radio editor of The Milwaukee Journal, is giving \$5 each week for the first submission of oral slip-ups which contain a cartoon idea.

The cartoons are then printed in the radio section of Sunday editions.

REMINGTON'S SPOTS

Franklin Bruck Agency Gets Campaign Under Way

Franklin Bruck agency gets another spot campaign under way next week. This time it's the typewritten division of Remington-Rand. Agency is placing a schedule of three five-minute transcriptions for 13 weeks with the basic idea being mail pulling.

There will be from 15 to 20 stations in the initial list.

Dey Suffers Broken Neck

Wichita, Kas., Oct. 8.

Robert Dey, singer formerly with station KFHH and KFBI here, is in a local hospital with a broken neck. Paralyzed from the neck down.

Result of auto accident in which his car turned over several times in loose gravel few miles from city.

CAMPBELL RED DEAL SEEN IF HOOKUP OK

Campbell Soup may take a quarter hour on the NBC-Red at 6 p.m. If it can get a big enough lineup of stations, The network last week polled the red affiliates on their willingness to give up this particular quarter hour for this account.

The 6-6:15 period is part of the time that the NBC station contract reserves exclusively for the affiliates' own use.

MacQuarrie In Bridgeport

Bridgeport, Oct. 8. Haven MacQuarrie and his CBS Marriage Club are in Bridgeport for two Saturday nights, first stop on 59-city tour tied in with Continental Baking outlets. Dealers ticketed show at Central High auditorium, 2,000-seater. Program was picked to New York CBS key, inasmuch as Bridgeport has no Columbia link, Bill Elliott of WICC, local Shepard and NBC-Blue station, got call as announcer.

Ralph Campbell ahead for Benton & Bowles. Following Saturday's (12) broadcast MacQuarrie moves to Columbus, O.

EDDIE CANTOR
With Van Rael, Maude Davis, Dinah Shore, Bobby Sherwood orchestra.
Comedy, Songs, Band
30 Mins.
IPANA-SAL HEPATICA
Wednesday, 9 p.m.
WEAF-NBC, New York
(Young & Rubicam)

Eddie Cantor has come back to radio, after a season's layoff with combination that seemingly can't misfire. Cantor's comedy is standard as ever, but his new brand of gags are more fresh and crisp. Resourceful showman that he usually is, Cantor stepped out for the first time under the Bristol-Myers banner last Wednesday (2) with a cornucopia (horn of plenty to you) of sock entertainment. Cantor not only glutted the air with laughs but he so projected Dinah Shore that listeners got an entirely new vista of this girl's singing talent. Judging from her performance on that broadcast, Miss Shore stacks up as radio's new vocal sensation.

The program was skillfully knit to the past. There were no loose ends, and even the running gag, having to do with a stooge counting the 146,000 silver dollars he had won in a burlesque singing contest, went off to a real pop finish.

In the stooge department Cantor has equipped himself with something that's as surefire as his whinor and Rudolph, the red-nosed reindeer. That something is Maude Davis who's still linked with her old partner, Nan Rae. Vaude headlines from away back, under the original billing of Marie and Ann Clark, this pair appeared in a couple of Broadway revues of the past season. 'Keep On the Grass' and 'Strawhat Revue.' While her partner's fetter must be howl to studio audiences, listeners also are bound to get the full impact of Miss Davis' comedy talents. Her shrill-voiced, something new for radio and the way that Cantor had her personality grooved on the opening stanza indicated that in Miss Davis he has perched his best bet for a future making of Harry Von Zell the target for her romantic heartburn should account for results on many programs to come.

The script covered over a wide field. With Von Zell serving as foil, Cantor moved into a fast routine of both topical and kitchen humor. This included the program's male chorale about the military draft good-naturals, the tweaking of Mayor LaGuardia on the subjects of his size and penchant for chasing fires, and cracks about Cantor's own age and the fact that he couldn't during this prolog reel yielding to a kitchen dud. This nugget of homey humor opened with the remark that he had once posed for talcum ads and faded out to his stily-intoned assurance that it wasn't his face that was used.

Where Cantor scored on all laugh cylinders was his burlesque of quiz and Pot of Gold shows. It was all cut down to essentials and cleverly staged. The bit likewise allowed for integral introduction of the team of Rae and Davis.

Miss Shore's interlude found her with a crack arrangement of 'Yes, My Darling Daughter,' a suave lead-in by the program's male chorale group and a zippy accompaniment by Bobby Sherwood and his orchestra. Those interpolations by the guitar were also well devised, and the upshot was a swell sample of vocalities in the modern manner. Cantor himself contributed a couple to the words and music side of the program. He went back to a 25-cent fold-out show of his for the first, 'Down by the O-hi-O,' and later cut in with a parody of 'I Ain't Got Nobody.'

Tommy Mack had been contracted for by Cantor as part of his stooge retinue, but surplus of material at dress rehearsal made it necessary to eliminate Mack's participation altogether. He will appear on tonight's (8) show. Mack was on the Gillette show with Milton Berle a couple of seasons back.

As usual the plugs on Ipana and Sal Hepatica were smartly woven into the script. These commercials have for years been models for the trade. They're still way ahead of the field.

JIM HEALEY
Commentary, Philosophy
15 Mins.-Local
DE LUXE MANICURE PRODUCTS
M-W-F, 1 p.m.
WTBY, Troy, N. Y.
(Leighton & Nelson)

Former Albany newspaperman and only Capital District product of past decade to make a network commercial, Healey bows at WTBY after six years for Sun Oil over WGY. Although he is starting a half-hour for another sponsor on WGY, Healey will continue daytime for F. T. Orange Chemical Co. on this 1,000 watter. Products peddled are for women—nail polish and perfumed polish remover—and listeners are addressed as 'Ladies.' However, format follows that long, successfully used via WGY: commentary, philosophy and poetry. (After two has in recent months been omitted).

Initial broadcast was okay. Exponent of intimate fireside-chat technique should not fear to fire both barrels on personality and on sales. Advertising ought to be, and by now probably has been, cut. Much too much last week; Healey did not fit into pattern of it as smoothly as he did for Sun. Jerry Lansing, announcer, was good.

JACK BENNY
With Mary Livingstone, Eddie Anderson, Phil Harris, Dennis Day
Comedy, Songs, Band
30 Mins.
WELL-O
Sunday, 7 p.m.
WEAF-NBC, New York
(Young & Rubicam)

Jack Benny, after a 15 weeks' lay-off, came back to radio last Sunday night (6), but it wasn't altogether with his best foot forward. He opened with a fantasy a la Disney. On paper it must have looked very funny. In performance this part of show turned out poorly. Fantasy was dragged out for eight minutes. Two more minutes and the audience might have lapsed into the somnolent state which the cast was play-acting in the fantasy. Once Benny and his troupe were rid of that fantasy and stepped into their old characterization things started to bristle, and it wasn't long before the laughs were coming in the program's customary triphammer style.

Members of the cast are a complete carry-over from last season. The characterization are likewise intact, and so are some of the gags. When Mary Livingstone gets too snippy with Benny he reminds her of that department store origin. Benny's fictional anemia is still Phil Harris' ace comeback, and the tete-a-tetes between Benny and Dennis Day or Eddie Anderson (Rochester) revolve for the most part as usual on Benny's fictional parsimony. Listeners have become thoroughly familiar with these cute little family intimacies, and Benny is to show a meting-out for the most part as usual on Benny's showman to resume his air stint with anything but the familiar. In teasing off as he did Benny insinuated the illusion of picking up from where he had left off from a point that might have only been the previous Sunday. What he quit the air with last June was still a top click, and if he must make variations or changes they can be woven in as the season wears on.

Day's tenor was in sterling form for the reopening occasion, and Harris' dance arrangements had their usual rhythmic tang. Ed Beloin and Bill Morrow continue as Benny's scripters, and on the initial program theirs was a smooth piece of gag craftsmanship with the exception of that fantasy, by which it was hoped to reintroduce in novel fashion each member of the cast. It did succeed in being novel. Don Wilson is also still on hand for those smartly interpolated plugs.

This makes Benny's seventh season with this same account, again a record as far as comedians are concerned. No one has to suppose, however, that he is as high as ever week by week.

'CAVALCADE OF AMERICA'
With Loretta Young, Carl Swanson, Jeanette Nolan, Edward Jerome
Historicals
30 Mins.
DUPONT
Wednesday, 7:30 p.m.
WEAF-NBC, New York
(Batten, Barton, Durstine & Osborn)

After several years' association with historical reenactments, a plus value, timeliness, has stepped into stride beside the DuPont show. Hurrah—for our side spirit which suffuses the nation at the moment with the pink of high patriotic pressure provides 'Cavalcade' with improved opportunities of mentions in the radio columns, endorsements by councils, societies and dispensers of plaques. That DuPont is aware of this and happy about it is an open secret around Radio City.

The first program of the 1940-41 series was dull. It painted a blurred picture of a blurred episode in American history, the Roanoke Island colonists who wandered off and were swallowed in the Indian thickets. Nobody ever found them or their scalps. There was little real action. Starvation is pitiable but not dramatic, and an inconclusive story is not excused in the realm of entertainment simply because it's historically accurate. True, perhaps not everybody knew about that incident, or had lately discussed it. So, the DuPont program educationally recalled it. But that's hardly the best such a series can achieve even if it might be one more.

Actually this week starter should not be blamed on the author. The fault is the selection of an essentially static story that, with variations in place and year, has been told and retold. The recent flop at the box-office of a costly motion picture dealing with another covered wagon trek to the west may or not be significant of a growing public demand that 'historicals' get under the surface and make their characters more than stiff, hazy symbols of pioneer fortitude. The idea has been well established by now that the pioneers encountered lots of trouble and showed lots of courage in meeting it. But surely a more imaginative type of historical is to be preferred to a straight-line, thin chronicle of wagon-pushing, wilderness-fearing anxiety.

DuPont scripts sometimes over-plot the scene and under-develop the plot. In any good story something needs to happen, and with DuPont historicals on occasion it's just a case of pushing the middle valve of brave suffering down and lashing it to the control board.

Land.

'SO YOU THINK YOU KNOW MUSIC'
With Ted Cott, Felix Knight, Leonard Liebling, Percy Grainger, Alan Dinehart, Allen Roth Orchestra
Music Quiz
30 Mins.
SCHAEFER BREWING CO.
Tuesday, 7:30 p.m.
WEAF-NBC, New York
(Batten, Barton, Durstine & Osborn)

Schaefer, for his fifth radio year, has picked up one of CBS' best suspense series, 'So You Think You Know Music?' clipped down to about nine minutes from its original 25-minute session and incorporated as part of half-hour revue. Nine minutes is too little although B. B. D.O. may not want to go wholehog for another quiz.

Cott is backed by music critic Leonard Liebling, as judge for his sense. Percy Grainger and Alan Dinehart were the two professional contestants on the first Schaefer broadcast while a delicatessen-store clerk and a 16-year-old girl, Lorraine Butler, were the other two. Girl won the prize, Judge Liebling ruling a perfect score. Contestants each get record albums while subscribers of questions receive \$10 plus music albums.

Glib and ingratulating Cott neither tried to be facetious nor too dignified. Because of the stopwatches he was a bit hurried in getting in four groups of questions, with one for each contestant. Interrogations don't always call for identification of music played but a knowledge of titles. For instance, Cott asked the names of film players who played the title roles in such pictures as 'Victor Herbert,' 'Life and Loves of Beethoven,' etc. A fairly tricky array of music was played, with contestants asked to identify what division of time they represented, such as 'End of a Perfect Day,' 'Dance of Hours,' 'Minute Waltz,' etc.

Regular musical portion of program followed about the same pattern as in recent years. It's the second year for Allen Roth and his musicians while Felix Knight, soloist, is in for his third year.

Roth's orchestra, plenty solid, with novel orchestrations, varied the pace of his two or three numbers to appeal to radio audiences, going from straight playing to swingero tempo. This was particularly true of 'I'll Never Smile Again.' Felix Knight put life into that old favorite, 'Deep in My Heart' from 'The Student Prince.' 'When Day Is Done' was the showoff number for the mixed chorus, which Roth has molded into a slick vocal group. 'Begin the Beguine' closed the show with chorus, band and Felix Knight putting it across.

Minimum of shouting for the product yet the two or three brief mentions (none over 30 seconds) were memory-etchers.

Wear.

FRED ALLEN
With Portland Hoffa, Al Goodman's Orchestra, Kenny Baker, Hugh Martin, Charles Minerva, Pious John Brown, Charles C. Allen, Reed, James Wallington, Larry Elliott.
Revue.
60 Mins.
TEXACO
Wednesday, 9 p.m.
WABC-CBS, New York
(Buchanan)

Fred Allen has adhered closely to his customary program formula. He's changed the hour to 9 p.m. instead of NBC and Sal Hepatica, and some slight changes of personnel have been made. But essentially listeners will pick up where they left off and at the same time 9 p.m. Wednesdays. His position on NBC will be Eddie Cantor, but only for the first 30 minutes of the hour. Allen is a deliberate preference for his comedy material, although most comics and agencies with comics think of half that time as enough of a problem.

His new style of the fugitive from Western Vaudeville has no counterpart in network radio. It is therefore this basic matter of delivery and personality that is the stock-in-trade of Allen's comedy material. Everything is in relation to the Allen personality. The formula, as before, introduces a succession of nonsensical episodes in which Allen focuses his comedy material upon various pro or semi-pro stooges upon events of the day, upon other radio programs or comics, upon any idea or longshot or opening that may accidentally purpose develop during the broadcast.

At this late date there seems little need to detail the comedy methods of Allen. They are the methods in which imagination and topical alertness play a prominent part. The net result is a variegated and many-ped entertainment which is sometimes guffawable, sometimes giggable and sometimes noncombustible. But even when one of the ingredients turns out tamely, as the forum bit on the opener, the listener usually never loses that constant sense of expectancy which is a vital part of Allen's appeal as a funnyman.

William Schorr is directing the show for Buchanan that year. Al Goodman is providing the music and some of the bouncing surface for Allen sallies. An added bit is the inclusion of a Major Boston amateur. This is accurate. A coloratura soprano, one Christina Carroll, who ascended the scale for a bit of high falutin'. The Hugh Martin Singers, along with the other able musicianship and Kenny Baker's familiar warbling, nicely provide for first rate musical interruptions to the rambling nonsense.

Tonight, Jimmy Wallington and Larry Elliott, are assigned to the Texaco commercials, which are fairly frequent but not unbearable. There are some light touches in the modern spirit.

In addition to Mrs. Allen, the comedy brigade includes such constantly employed radio troupers as Charles Cantor, Minerva Pious, John Brown and Alan Reed. They give Allen expert feeding.

Arnold Auerbach, Herman Wouk, Roland Kibbee and Nat Heiken are the joke cadets who assist Allen in making the 60-minute course in pat.

Land.

PROFESSOR QUIZ (Craig Earl)
With Bob Trout
30 Mins.
LIGGETT & MYERS
Tuesday, 9:30 p.m.
WABC-CBS, New York
(Newell-Emmett)

Back for another year with his program setup unchanged, 'Prof. Quiz' (Craig Earl) has a new time and a new sponsor. This time he's bankrolled by Liggett & Myers, plugging Velvet tobacco and cigars. Bob Trout is assistant and announcer while Mrs. Earl and Bill Gorman tabulate the scores of contestants. Show is produced by Don Langan for the Newell-Emmett agency.

Series continues to bring five members of the studio audience to the mike to answer about a half-dozen questions each on all sorts of subjects. Entrant getting the best score wins \$25, second best \$15, everyone also getting a can of Velvet tobacco. Listeners whose questions are used are also paid cash. Questions themselves are mostly easy, some being in the nature of riddles and trick puns, a few being fairly tough. Even if the edge is perceptibly worn off quiz show, the probably weary of lift left in this particular one.

The prof. retains his familiar air of persistent jollity and skillfully keeps the proceedings in motion, although he must sound to some a trifle anxious to seem all-wise, never to be topped by any of his guests. Although it wasn't explained on the program, this season's series is using a new mail-getter, contest listeners being asked to write letters telling 'what your town is doing to identify itself to the traveler.' The program, this season's sponsor's Glenn Miller show (for Chesterfield) following immediately afterward, there are three main commercial spots, the prof. claiming to be personally tested and to have Velvet tobacco before accepting the contract.

'VARIETY' IN AIR RAID STUDIO



This photograph, passed by the British censor, is a candid camera snap of two English radio performers and their radio producer engaged in a joint contemplation of a recent issue of VARIETY. Employees of the British Broadcasting Corp. state that a new copy of VARIETY is more than ever a gala event to the shut-off profession. Issues are usually two or three weeks old when received but this doesn't lessen their popularity.

Patricia Burke, the singer, is holding the paper. Producer Cecil Madden and pianist-composer Harry Jacobson are kibitzing. They have just finished a midnight rehearsal for a BBC special broadcast to the United States (shortwave). Note the studio clock pointing to quarter to one in the morning.

BEN BERNIE MUSICAL QUIZ
With Carol Bruce, Bailey Sisters,
Dan Seymour
30 Mins.
WISN (BROMO-SELTZER)
Tuesday, 8 p.m.
WIZ-NBC, New York

(Ruthrauff & Ryan)
Ben Bernie is back on the network with a musical question-and-answer show. He has a new sponsor, a new singer and some new nifties. Unfortunately, the first broadcast was hampered by spot material and production "ideas." The mistakes were so apparent that their correction should not be difficult.

Bernie was okay at the start, more like his old self. Lew Lehr was missing and so was Dinah Shore, who skyrocketed into popularity from her appearances with the maestro of the Bailey Sisters were back. It all started promisingly with a crack about Winchell—the only guy who gives Bromo Seltzer a headache—also Saratoga where the boys bathe at the Springs and get cleaned at the track.

Quiz contest brought in three men and three women on opposing teams. They were asked the questions indicated by the musical number and also the answer contained in a second tune. Thus "When Did You Leave Heaven?" was answered by "Three O'Clock in the Morning." Dan Seymour announced the person who submitted the sets of musical questions and answers, with a plug for the product given as one award plus.

Oddly enough, the teams were tied after three questions. This paved the way for the six to reach in a bowl, each to get the right of silver coins. Then the quiz became a grab-bag stunt good for a studio laugh as the six scrambled for the money. Straight prize wars and clear-cut decision would be in better order.

"Give a Guy a Hand" stunt was crude, unfunny and patently phony. Femme volunteer told a Brooklyn man (obviously an actor) what to do with a piano that was disturbing the serenity of his apartment. He rewarded her with his most prized possession, a long pole which he used to push the piano out of the company's track team. Which is the height of something or other in radio.

Carol Bruce, the 1940 cliko congress from "Louisiana Purchase," warbled one solo and then assisted in the patriotic final chorus, "I Am An American." It was her first regular show, though she was a guest star before. She showed some disquiet and undeveloped mike technique but should do okay on merit as a stylist.

So copy it intelligent but pounded. Both announcer Seymour and Bernie joined in singing the praises.

MUSICAL STEELMAKERS
With Ardene White, Dorothy Anne Crowe, Regina Colbert, Singing Millmen, Steele Sisters, Old Timer (John Winchell), Thomas Whitley and Musical Steelmakers orch.
30 Mins.
WHEEING STEEL CORP.
Sunday, 5 p.m.
WOR-MBS, New York

This factor-produced variety show, which debuted on the air in 1936, returned to a 46-station Mutual hookup Sunday (6), with the same cast and program, and with an immediate appeal on its frankly one-big-family atmosphere and approach. As "Old-Timer" (John Winchell) remarked at the close of the season opener, "They do their best, knowing they're only amateurs." Their best is often quite good.

Everyone on the cast is identified usually as to employment as well as by name, which is a nice touch for this kind of show. However, there is no longer an interlude in which various Wheeling workers are brought to the mike to explain their specific jobs. Backbone of the show continues to be the Musical Steelmakers orchestra, with Howard Thomas and his new conductor, Howard. He veiled some lack of experience in leading an orchestra that's too big to handle such numbers as the "Meisteringers."

Ardene White, tenor, is back for another season. For the opening he and the chorus sang "My Heart Alone," which the Old-Timer revealingly introduced as "the third of song our audiences seem to like." Dorothy Anne Crowe, operetta style soprano, is another holdover, as are the Singing Millmen and the harmonizing Steele Sisters trio. Newcomer is Regina Colbert, okay pop singer but likely to improve with experience and a more concerted thing to a commercial plug was the institutional announcement-intro of Raymond Scott's "Powerhouse," the closing number of the show. Hobe.

Vanda Veers Westward

Charles Vanda, production chief for Columbia in Hollywood, left New York Tuesday (8) to return to his chores in God's country.

He has been inspecting the Caribbean circuit via an S.S. America's cruise.

SILVER THEATRE
"I'll Never Forget" with Laurence Olivier, Rosemary DeCamp, Henry Charles, Felix Mills orchestra, Conrad Nagel.
30 Mins.
INTERNATIONAL SILVER
Sunday, 6 p.m.
WABC-CBS, New York

(Young & Rubicam)

International Silver hopped into the new season lineup Sunday night with a production of its Silver Theatre, with an unchanged formula. Conrad Nagel remains as nominal "producer," doing his familiar m.c. stint. (Glenn Hall Taylor is actual producer for the Y. & R. agency). Henry Charles is reading the blurbs about the sponsor's "First Love" silver pattern. Opening program offered Laurence Olivier in a dual part in "I'll Never Forget," a romantic comedy with a comedy tag, by Robert Riley Culler.

Program had a trifle more than the expected first-broadcast flaws, but in general hit a standard that, if mainly due to the quality of the trouping job in the double part of the young actor and the garrulous old yarn-spinner, he managed to give the show characters sharply contrasting voices and personalities, the ancient faker surprisingly emerging as the more colorful and sympathetic of the two.

Rosemary DeCamp, as featured, sounding stilted and dramatically schoolish in the quieter scene, but rising to more credibility in the emotional finale.

Felix Mills' original background music was eloquently conceived and played. Hobe.

NYA SYMPHONY ORCHESTRA
With Louis Vinyer, Aubrey Williams, Don Frank
30 Mins.
Sustaining
Sunday, 10:30 a.m.
WABC-CBS, New York

Leopold Stokowski's success with his "All-American Youth" orchestra has drawn attention to the National Youth Administration orchestras in various cities, from whose ranks the All-American members were selected. In an attempt to gain recognition for the orchestras, and doubtless with some idea of gaining popular support for the whole NYA program, the various groups are to be heard via CBS on successive Sundays.

First on the series last week (29) was the New York group, led by Mayor La Guardia are backing the project and the American Federation of Musicians has waived its restrictions to permit the broadcasts. Employed the NYA orchestra of Philadelphia, with Louis Vinyer conducting. Program itself was on the light side, the heaviest selection being Mendelssohn composition and the other pieces being a Strauss waltz, an arrangement of "Pop Goes the Weasel" and a dance from Rimsky-Korsakov's "The Snow Maiden." Of course the orchestra was not to be compared with Stokowski's All-American group, but it seemed flexible, responsive and youthfully vigorous. Don Frank, unimpressive however, possibly due in part to faulty pickup which allowed the brasses to sound blam and the string section to sound pale and thin.

On the other hand, the director was flat and expressionless. Although Aubrey Williams, NYA administrator, told the listeners the orchestra was "the best in the country for the NYA," it could have been so only because of the recognition implied in the broadcasts and not because of the quality of music offered. Beginning with the latter point, a distinctly ordinary program, excusable only on the ground that the orchestra is composed of young, unrecognized musicians. Stokowski's orchestra shows what brilliant results can be obtained from a somewhat similar group, ordinary music is hardly enough. Don Frank was announced for the program, which originated in Philadelphia. Hobe.

SPELL-A-BEE
With Dr. Douglas Hunt
30 Mins.-Local, novelty
Sustaining
Sundays 6:30 p.m.
WFAA-TV, Hartford

Conceived and directed by Dr. Douglas Hunt, professor at Birmingham-Southern College, this program has taken the old-fashioned spelling match and glorified it as a point-to-point competition to network stuff. Dr. Hunt, an erudite m.c. invites teams from various widely known organizations in Birmingham to pit their spelling ability against each other. No reward is given the winner except the satisfaction of being victor but the program, now in its fifth week, has built up a nice following.

Beginning this week, the Y.M.C.A. and Y.W.C.A., Dr. Hunt has since matched such varied groups as newspaper copy readers and reporters, against the Birmingham Southern professors and fraternities vs. sororities with surprising and entertaining results.

Psychology of the program of course, is that it affords listeners a chance to listen while the learned are put through their paces sometimes with hilarious results.

'PORTIA FACES LIFE'
With Lucille Fall, Raymond Ives, Myron McCormick, Louise Larrabee, Frances Woodbury, George Putnam
Serial
15 Mins.
GENERAL FOODS
Daily, 5 p.m.
WABC-CBS, New York

(Benton & Bowles)

This strip serial, like its companion newcomer immediately following, "We, the Abbotts," is frankly a formula-hoke drama for mass appeal. Portia Blake, the heroine, is a career woman who with her husband died, took over his law practice to make a living for their young son, Dickie. She's warm-hearted, courageous, tireless, intelligent, idealistic, named after the mother-in-law Blake, of THE Long Island Blakes, while Portia is busy with one of her legal cases, the motivation here is a trifle thin; but Lucille Fall, a meanie of the jet black variety, is industriously poisoning the youngster's mind against his mother, intercepting letters to each other, all appearing on the theory that daughter-in-law isn't properly training the son of the great Blake line. Meanwhile the idea is planted that Portia and an unnamed lawyer are having an affair. Walter Manning are in the throes of one of those interminable radio serial engagements.

Author Mona Kent even in the opening chapter had plenty of pegs for future plot complications.

Lucille Fall, a radio standby, handles the title part easily. Raymond Ives is an acceptable moppet; Myron McCormick, as Dickie, is earnest and believable as Manning, while Frances Woodbury socks the obvious villainy of the man-in-law, Louise Larrabee, as a friend and client of Portia, hasn't yet entered the script.

George Putnam reads the commercials, which lean on rhymed slogans like "Be penny wise and economize" and "Cost per ounce is cost that counts." Product is Post Toasties, which are claimed to contain vitamin B-1. Lindsey MacFarlane produces. Series has been spotted locally as a recorded show, but is now live.

'QUIZ OF TWO CITIES'
With Ernie Kern, George Bowe, William Farley
30 Mins.
NOXZEMA CHEMICAL CO.
Sunday, 8:30 p.m.
WABC-TV, Hartford-WICC, New Haven

(Ruthrauff & Ryan)

Connecticut's entry in the schedule of inter-city and inter-borough quiz shows slated by Noxzema premed as one of the new season's most solid and entertaining, and with a refreshing variation on the Q. and A. formula with plenty of audience and sponsor angles.

As in New York, where WOR next Sunday will be airing a thorough edition and as elsewhere in New England (WNAE, Boston, and WEAN, Providence), picked teams representing their communities face the makers of WICC, Hartford, and WICC's home city, does not figure in Noxzema set-up.

Each one of four contestants gets the same questions, but doesn't hear them as read and answered in opposing city. Only at-home audience and board of judges get everything. Questions are read by announcers in matched cities mounts to scrapping pitch and creates much more excitement than average quiz shows.

Opening just matching foursome of newspaper employes from Hartford and New Haven got official sanction from the city's mayor, former city and secretary of N. H. chamber of commerce. Bruce Kern m.c. and repped sponsor from Hartford, while George Bowe posed questions. Later, two contestants and William Farley to New Haven.

Question-pitchers did all right except Farley, who would be more effective with straight delivery. Contestant outlay's slight, answers getting two silver dollars each and winning team splitting \$12 extra. Plus free product to all. Contest home invited to apply to compete.

So far as is known, Ruthrauff & Ryan has managed to obtain the 4 Mins. Sunday serial, to be heard in New York and New England area for the inter-community quizzes. Klem.

'STUMP US'
With Jack Gelzer
Kid Experts
15 Mins.-Local
ADAM MELDRUM & ANDERSON
Tue-Wed, 6:15 p.m.
WKWB, Buffalo

Long before "Quiz Kids" started, Announcer Jack Gelzer was popping questions at teen-aged youngsters on airwaves here. Formula is largely the same the NBC quiz has adopted but without the spot by educator. At session caught (24) Gelzer popped 36 queries, got 31 right answers. "Board of experts" were two boys and two girls, ranging from 12 to 14. The quiz was sustained with a gravelly voice monopolized the opening few minutes when baseball was the topic, but questions were expanded to include a wide range of subjects. Quiz was marked with celerity and neatness, no time being lost getting in and out of brief, punchy commercials. Betz.

DOROTHY THOMPSON
News Comment
15 Mins.
CO-OPERATIVE
Sunday, 8:45 p.m.
WOR-Mutual, New York
(Stockton-West-Burkhardt)

For Dorothy Thompson, one of the country's most widely read political columnists, this counts as her third commercial connection. In the previous air jobs she had but a single commercial, the Fall Mall and then General Electric. In the present series comes under the direction of Fred Mayer, who promotes co-operative hookups, and the number of Miss Thompson's sponsors will be determined by those who can be sold on the idea of cut-in announcements through the efforts of Mayer or local Mutual affiliates. On WOR Pilot radio is paying for the station's time and the efforts of Miss Thompson's guaranteed salary.

Miss Thompson prefaced her opening program on this series with the remark that since there are many commentators available to deal daily with current events she has elected to confine herself each week to a general subject. Her topic was "The United States," which she termed as the greatest news story of the week. What followed was a cascade of generalities on what the dictators think of the United States, how mistaken they are in their opinions and what they're known about this country. When Miss Thompson wound up it, minute oration the average American listening in must have felt deep and reassured about the powers of his country. He would undoubtedly have been hard to get him to read any especially enlightening and original observation made by the speaker.

Nevertheless, Miss Thompson sounded authoritative and interesting while she was at it. Odece.

'HARLEM SERENADE'
With Wen Talbert Choir, Musettes, Oscar Brooks, Leslie Dorsey, Claudia Reilly and Harrison S. Jackson
30 Mins.-Local
Sustaining
Tuesday, 9:30 p.m.
WMCA, New York

"Harlem Serenade" is a commendable extension of the hand of goodwill by WMCA to New York's Negro population. It was conceived to give groups of various types of performers from Harlem—mostly professional—an opportunity on the air which would not only appeal directly to the general public, but would bring general entertainment value as well.

Show caught was marked by more good intention than good production. It was an attempt to make of Harlem something new, something not intellectual. Needed to offset the classic interpretations of the Wen Talbert Choir and a number of its soloists was a load of typical Lenox avenue hot jazz, and a few vocal trio with arrangements that were occasionally trickier than their pipes, were facile, but not sufficiently strong to carry sole responsibility of injecting Harlem into a Harlem program.

Announcer Don Douglas gives the show its tone with a prolog—50 sprawling blocks of sadness, poverty, gain, laughter. Harlem not swallowed by the ugliness of the city, but a city in itself. Talbert choir followed up with Negro standards. Soloists were contributed by Oscar Brooks, Leslie Dorsey and Claudia Reilly, members of the group. Tunes were well sung, but all were in the same slow vein. Harrison S. Jackson, Negro attorney, gave a short talk on the Negro's need for a lawyer in the preparedness program.

Program is arranged by WMCA in cooperation with Greater New York Coordinating Council, Harlem social service agency. —Herb.

GRADY COLE
Alarm Clock Program
30 Mins.
Daily, 5:30 a.m.
WBT, Charlotte

Grady Cole is the Pied Piper of Hamelin, farmer style, taking the air at 5:30 a.m. six days weekly to air new reports, make quotations, discuss livestock ailments and crop diseases, mix in a bit of homespun philosophizing, and spin a disc now and then. Brother Grady, as his address is, has a farmstead within a country mile of ever capturing a dictation award, but for selling the soil-tillers in these parts, he's the dynamite. He's the patron saint of the Carolina farmer.

Cole's is a participating show, with eight sponsors and almost double that amount of products to get rid of. His delivery of the commercials is in the best sugar-coated manner, slipping his sales ballyhoo right smack in the middle of a dose of philosophy, for which he is famous, or before the climax of one of his equally well-known narrations told with a touch of Will Rogers and a dash of Bob Burns.

Not much room for improvement here, for the only criticism from a standpoint of on and off air announcing would be a criticism of Grady Cole himself. Any change in Grady and you haven't got any show. Some 270 babies have been named after him. Just.

EVERYMAN'S THEATRE
"This Lonely Heart" with Nazimova, Gordon Jenkin's Orch
30 Mins.
PROCTER & GAMBLE
Friday, 9:30 p.m.
WEAF-NBC, New York
(Blackett-Sample-Hummert)

Arch Oboler's opening program last Friday night (4) on his commercial series for Oxycod (Procter & Gamble) was one of confused energy that was not only a little irritating and comment. Tubbed "This Lonely Heart," and starring Alla Nazimova, it violated just about every common-sense rule of dramatic attention writing. A pulp-mag sentimentalization of Tchaikovsky's "romance" with his elderly benefactress, Nazimova's Meeky it was maddeningly scattered, incoherent and generally incomprehensible. Except with an author-salesman like Coolidge, it would scarcely have been accepted for its attention and have merely been dismissed. But when a writer of Oboler's repute turns out such flagrant bombast he runs the risk of being taken out behind the woodshed for a this-hurts-me-more-than-it-does-you session.

Almost inevitably composed in Oboler's favorite stream-of-consciousness pattern, the piece had Nazimova's character virtually a solid half-hour monolog of the old widow who (according to this version) yearned foolishly for the young composer, died, and was buried in a cold, hard, and unromantic way. Flashbacks, readings of letters, dream ravings, prayers, a deathbed cry and even a message of devotion from the "dead" it was distinctly embarrassing to hear.

Despite Nazimova's recognized trouping talents, nothing she could do succeeded in giving the leading part plausibility or sympathy. The character remained a flat, unattractive old dame with a silly infatuation with a gifted, unreal (in the script) young man.

Oboler spoke at the opening and close of the stanza, introducing his piece with a long, tedious, and tiresome of all it's bitterness and wanted to do a "play of love." Closing spiel was about future editions of the series. What he didn't mention was that the production was a fact to unrecognizable lengths in patching together the script, since there was no romantic relationship between the old dame and the young man. However, there might be fact quarrel with such liberties if the completed drama were satisfying. The production, however, handled the program skillfully. Pacing was excellent and the background arrangements of Tchaikovsky themes were sensitively presented. Production was also remarkable for the brevity and dignity of the Oxycod commercials—just a short blurb at the windup. Despite its good points, however, broadcast was a pretentious and disastrous clambake. Hobe.

(Oboler did "Lonely Heart" with Nazimova on an NBC sustainer in August, 1939, but as a full hour, this version, VAUDY at the time favored by the audience, was a half-hour and the jazzing up produced a topsy-turvy reversal.—Ed.)

'SUNDAY DOWN SOUTH'
With Beasley Smith Orchestra, and the Dixie Dons, Kitty Kellon, Gene Howard, Louis Buck
30 Mins.
Sustaining
Sundays, 9:30 p.m.
WEAF-NBC, New York

WSM staff in Nashville can take a bow on this local sustainer effort, deemed strong enough to go on the NBC red net. Hints that there's plenty of talent in the South, the Dixie Dons. And peculiarly enough—for those N. Y. balladists who affect the southern drawl—there's hardly a discernible trace of southern accent. Program is agreeable Sunday afternoon earful, with the flaws so evident they can readily be corrected.

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'TIBBER MCGEE AND MOLLY'
With Marion and Jim Jordan, Bill Thompson, Hal Peary, Isabel Randolph, Felix Mills Orchestra, Harlow Wilcox
30 Mins.
JOHNSON WAX
Tuesday, 8:30 p.m.
WEAF-NBC, New York
(Needham, Louis & Brorby)

Renewing their demonstrations of the showmanship dogma that it's not what but how that counts, Marion and Jim Jordan, more familiar to amused millions by their non-de-radio, Tibber McGee and Molly, are pretty sure to be safe the whole 1940-41 route. The point about this unduplicated-in-kind success is that the program frequently uses gags and situations that are tailor made to stalk around the KRNT transmitter out of Des Moines, yet it holds its own against the 'smartest' shows.

As a serpentine of skaters occasionally flings a crazy, careening figure into space, the McGee script at intervals tosses a witty, penetrating flippancy that has the effect of stimulating the listeners' interest. There are moments when the gags may sound like a tobacco show out of Chicago. But little by little the star personalities and their troupe of fun abettors build up their case. It turns out to be an effective and happy combination of performer-script-director.

These remarks are not intended to be condescending, but rather an attempt to analyze a program that on the surface could so easily be a clambake yet manages to be a hit and, best of all, to be a comedy hit that is not a carbon copy of the formula of so many other shows on the networks' schedule. Perhaps it is revealing of the inner nature of this success to say that the Jordans, Hal Peary, Isabel Randolph and the others who carry the highjinks along are good troupers. They give light and shade and, on occasion in a strictly hoke session, they intelligently under-play. Cecil Underwood's pacing must also be acknowledged as important, while Don Quinn and his gag partner, Leonard Levinson, are playing their considerable part in the proceedings.

Felix Mills directs the orchestra and Harlow Wilcox makes it clear to the public that the products of S. C. Johnson do not lack lustre. *Land.*

'1100 REVUE'
With Francine Farrell, Don Roland, Four Whitneys, Jules Lebow Orch
15 Mins.-Local
Sustaining
Daily, 8:15 p.m.
WOV, New York

Probably part of WOV's effort to Anglicize its schedule, this English language-announced quarter-hour is composed of agreeable song talent of whom it is possible to speak favorably. However, the routine, the orchestra will not now play—'sort of captioning, and the lack of any special sparkle, defeats or limits the program to run-of-mill category. Orchestra, then soloists, then harmony four. Then repeat. Pleasant, mild, forgettable. *Land.*

WAYNE KING ORCHESTRA
With Buddy Clarke
25 Mins.
CASHMERE BOUQUET SOAP
Saturday, 8:30 p.m.
WABC-CBS, New York
(Sherman & Marquette)

Bespeaking a good sale last season entire program and merchandising set of Wayne King, Buddy Clarke, gimmick that does out \$100 orange blossom diamond rings to six listeners each broadcast, and the wording of the commercials have been repeated. Also, the program is occupying the identical Saturday night slot it filled last year.

Wayne King's orchestra dispenses its usual brand of music, bellwethered by King's golden saxophone. Buddy Clarke is still not getting enough opportunity to exercise his tonsils, and the commercials are still advising milady that a tantalizingly perfumed body is something that she can't afford to be without if romance is to come her way. The latter angle is overplayed to the verge of bicarbonate. It's the sort of hokum that gets mentioned at consumer conferences.

Show rides 66 stations out of Chicago. *Wood.*

'MOTHER O' MINE'
With Agnes Young, Donald Cook, Yorkie, Betty Jane Tyler, Arthur Allen, Jack Kelk, Paul Nugent, Charles Stark
Serial
15 Mins.
CLAPP'S BABY FOOD
Daily, 4 p.m.
WJZ-NBC, New York
(Young & Rubicam)

Strictly daytime hoke formula strip show. As good or as bad as the average. Opens with Mother Morison saying farewell to the old farm, which she has sold bravely and unnecessarily to pay her late husband's debts. She is going to live with her son (Donald Cook), who is waiting for her and whose wife (Ruth Yorkie) is waiting outside in the car with nervous soundings of the horn for both of them.

It's standard radio family hoke, a little more on the drip side than usual. It's clear, simple, straight-line story-telling without anything to particularly praise or damn. The people who can stand it may like it. *Land.*

'JOHNSON OVER JORDAN'
40 Mins.
BBC, London

With the author to give an explanatory coverage of his queer scripted angle, last act of J. B. Priestley's modern morality play came over as a piece of unusual dramatic value, probably better either fare than stage. Even so, his prefacing had to be kept well in mind for a proper grip on the mental gymnastics of one departed and journeying from nowhere to somewhere—the theme of stageplay.

A standout cast attained perfect expression in this essentially telling piece of writing from the character side, ably supporting Ralph Richardson. Star thesp was re-creating his original part, giving up some of his leave from flying service to do it. Production and panel-men pooled an exceptionally smart job for BBC.

COL. LEMUEL Q. STOOFNAGLE
(F. Chester Taylor)
'Quixie-Doodle' Quiz
30 Mins.
MENNEN CO.
Sunday, 5:30 p.m.
WABC-CBS, New York
(Kiesewetter)

Col. Stooft's comedy quiz for Mennen's shaving appointments appeared better material for the studio audience than for the far more important home crowd at this catching (6). Every now and then the curio mob broke in with a laugh at some visual business, leaving those in front of the receivers wondering why they weren't let in on the comedy.

A good portion of the 30-minute show is set clowning by Stooft, with announcer Alan Reed playing straight. The quixie-doodle twisters, on the other hand, are limited to only five. Unless the Colonel can let the listening audience in on his studio comedy, he'd better increase the amount of questions and answers and stress the educational side more if a sizeable home audience is to be built up.

There's an initial prize of \$5 for each participant, with \$35 added if the quixie-doodle is answered correctly. Questions are more on the riddle side and only two of the five participants on this show copped the added coin.

There's a lot of plugging for Mennen's product, one gag telephone commercial being especially stretched out. It was more boring than laughable. *Scho.*

'YOUR TREAT'
With Charles Sears, Harry Kogen's Ensemble, Vincent Pelletier
Transcriptions:
15 Mins.
ARMOUR & CO.
M-W-F, 8:15 a.m.
WGTV, Schenectady
(Lord & Thomas)

Title for Chicago-made et. program with singer and orchestra leader heard on NBC Chicago broadcasts makes certain not only double plugging for 'Treat' (canned meat), but might give it a free publicity ride in radio logs where the editor is preoccupied. Word 'Treat' is used in theme and in number tabblings, so identification of product by listeners is in advertising theory, almost 100%. A mink coat giveaway ought to clinch femme attention.

Sears is a veteran radio tenor with a set of pipes and a style classified as 'romantic'. Excellent for ballads and numbers like 'The Kiss Waltz'. Kogen's Ensemble (mainly stringly) furnishes smooth, unobtrusive accompaniments. A film star angle is also incorporated, a 'Hollywood Spotlight' with the luminary's favorite song warbled after announcer Vincent Pelletier has sketched career, latest release and producing company. Brian Donohue's favorite was 'A Lovely Tomorrow'.

Pelletier, who does a capable splicing as well as number tabbing job, introduces a Miss Gifford, home economist, to talk about recipe using other Armour canned meats. *Jaco.*

'ADDED UP'
With Maurice C. Dreoler
15 Mins.-Local
Sustaining
Thursday, 8:45 p.m.
WCNW, New York

Here is the quiz show formula in complete flight from showmanship. There isn't even a gesture toward entertainment as such. The program frankly offers as many questions as can be cramped into 15 minutes. There are no teams; no 'experts'; no special subjects, no game or particular formula. Maurice C. Dreoler simply rattles off a maximum number of questions, to which the listener is asked to write down the correct answers, all being dates or numbers. The returns must be postmarked not later than the midnight immediately following the broadcast. All those getting every answer correct get \$1. On the debut program Thursday (3) there were about 25 questions, plus the necessary opening explanation of how the show works.

Apparently Dreoler, who has more than a dozen programs of various kinds dotted around the boards of several low-watt New York stations, was merely putting this one on the air to establish his priority to the formula, for there was little attempt at production or showmanship. News commentator and good-speech advocate merely had a handful of studio attendants on hand to get the visual participants to supply the rudimentary partial answer to each question, after which the dialers are to send in the concluding portion. Probably the idea is to offer prizes for the studio participants also, but that wasn't done on this stanza.

If it's possible to pull an audience on unadulterated quiz alone, then 'Added Up' may have something. But as heard this time, there's not even a polite nod toward entertainment. It's sheer brain cudgeling. *Hobe.*

Follow-Up Comment

Ed East started on another quiz-mastering job last Thursday night (5). This time it's Colgate's 'Ask-It Basket' (CBS). For East this is a natural, his good-humored personality and mink background work to the program's advantage in two ways. They lend that necessary something which puts paragon at ease before the same assets reflect themselves in his quickness at picking up a cue for a laugh, and which is important, without causing any embarrassment to the audience. At no time during the installment caught were there any forced wisecracks from East. Toward the end of the half hour the Colgate commercial veers into a sort of 'Truth and Consequence' with parlor clowning taking the place of a straight question and answer exchange.

WHIS. Bluefield, W. Va. hillbilly trotter with a before-the-program demonstrates how such backwoods style of entertainment manages to survive. Music isn't bad, particularly one gem with an eloquent banjo. One of the fiddlers is okay and the gal vocalist is definitely above hillbilly average. Outfit keeps the studio echoing with broad ad-lib comedy dialog between members. Even to listeners who ordinarily prefer drowning to hillbilly stuff, it's all right. Crazy Water Crystals commercials indicate that folks ain't squeamish way-out there in the tall timber.

'Tom Mix Straight Shooters,' five-a-week late-afternoon juve thriller, continues to gallop along with plenty of action, standard situations and easily-classifiable characters. Always the stalwart yet kindly protector of the down-and-outers, the bronco hero stays in the role the moppets recognize and admire. As a performance it's direct, effortless and plausible, without attempt at superfluous subtleties. As caught last week (3), the cowboy was interested to persuade the town skinnif to permit a dusky desperado to farm a strip of fertile bottomland adjoining his ranch. Piece was satisfactorily written, but seemed insufficiently rehearsed. The imaginary Tom Mix handles his own commercials, currently plugging the idea that Ralston cereal contains vitamin B-1, 'which keeps you feeling A-1.' It also supplies 'cowboy energy' and is a 'he-man breakfast.'

Nash Motors has five minutes of the NBC news ticker out of A.P. At 9:30 p.m. nightly, with John B. Kennedy as the bringer of the tidings, the five-minute slice on the juve network should be a good buy. It packs the highlight, a couple of punchily written (by Geyer, Cornell & Newell) descriptions of the Nash, and the listener is both informed and inoculated before he knows it. Doctor Kenner flitches up a stray fact or two from the history books as parsley for the script. Like recalling how Leonardo da Vinci predicted, back when—Caesar—Borgia was ill, that men would be birding it through the upper stratosphere.

MARY MARGARET McBRIDE
Talk
15 Mins.
FLORIDA CITRUS COMMISSION
Daily, 3 p.m.
WABC-CBS, New York
(Kudner)

Mary Margaret McBride is better known actually under the name, Martha Deane, which belonged to WOR and which is now lapsing. In fact the circumstance of Miss McBride 'abandoning' the established position she enjoyed as Martha Deane at WOR is one of those exceptional radio occasions like Irna Phillips, the Chicago radio script manufacturer, throwing away the very successful 'Today's Children' on the sheer hunch she could do better with 'Women in White' (and she did). Miss McBride expects to do better on her own under a 15-minute daily assignment for a weekly stipend reported to be \$2,000. So she's doing very well right off.

It is not easy to explain a radio phenomenon like Mary Margaret McBride. Over the years she educated millions of women to listen to her, she has sold carloads of her aged goods of one sort or another. Her program consisted of herself, period. For an hour she talked of cabbages and kings and coconuts cokes. There was usually some guest personality who spoke of life and love and what to do with lettuce. The things friends told her, the thoughts that she had were all part of the Deane-allas-McBride routine. She was conversationally inexhaustible making her every trip, encounter, problem and family illness the knowledge of all who listened. It was a handsomely paying if slightly incoherent performance.

In her shrunken time period the late spieles feels herself somewhat cramped. It will take a while for her to shift gears. The Monday (7) program and again the Tuesday (8) were certainly a relief from the running comment on this and that of interest to women show through. She has Vincent Connolly, a former WOR aide of hers, as announcer and the program will probably duplicate even under changed conditions.

She handles all the commercials save for a routine line by Connolly. Sales copy is in her usual chatty manner without any change of accent. *Hobe.*

'CARGOES'
With Tro Harper and Harlan Dunne
Transcription:
15 Mins. Local
Sustaining
Saturday, 8:45 p.m.
KSFO, San Francisco

Cut with portable recording equipment, 'Cargoes' is devoted to activities on Frisco's 45 state-owned piers. Show caught, second of series, was miked from deck of the President Garfield and from dock alongside, during unloading of cargo from Bombay and way points. Boys, apparently working from script, with ad lib interpretations kept commentary going at rapid clip, setting scene of gaping holds, which work. New type of wandering mike show and dock activity adequately. Interviewed en route were a stevedore, foreman and harbor board official. Longshoreman, with appropriate hitch, deckside voice, was most authentic touch. *Wern.*



DON'T MISS
EDDIE CANTOR
TONIGHT
9 P.M.
STATION WEAF

Ipana and Sal Hepatica bring you 'Time to Smile' with Dinah Shore, Bobby Sherwood's Orchestra, Rea and Davis, Tommy Mack, and Eddie, himself.

Ipana—Sal Hepatica

WHAT THEY SAY



GOES

IN OKLAHOMA

The choice of announcer for a network show is of major importance... but what happens to your spot announcement? WKY has answered that question positively and definitely. Whether the problem at hand be a sparkling 30-minute live talent production or a brief spot announcement the voice be-

hind the mike impresses, convinces, sells. WKY's announcing staff is an all-star cast. WKY's announcers are more than voices. They are friendly, neighborly personalities. They are showmen-salesmen who have an open invitation to visit Oklahoma homes and to bring a sponsor's product along.

WKY OKLAHOMA CITY • NBC Affiliate • 900 Kc.

OWNED AND OPERATED BY THE OKLAHOMA PUBLISHING COMPANY • THE DAILY OKLAHOMAN OKLAHOMA CITY TIMES • THE FARMER-STOCKMAN • MISTLETOE EXPRESS • KVOR, COLORADO SPRINGS, KLLZ, DENVER (Under Affiliated Management) • REPRESENTED NATIONALLY BY THE KATZ AGENCY, INC.

FRED SCOTT
Hymns We Love
Sacred Songs
15 Mins.—Local
HOWELL FURNITURE CO.
M-W-F, 4:15 p.m.
WAVE, Louisville

This modest program of hymns has local interest from two angles; first being the fact that the vocalist, Fred Scott, has been singing for quite a spell over WAVE, and lately has been filling an early morning slot with hymn tunes (sustaining). Now he's topped a sponsor, a furniture store, which has been pretty successful lately with another program, the Clayton McMichen Georgia Wildcats.

Scott handles his own announcing chores, and talks to the folks in the first person. Tells 'em sponsor has been mighty nice to put him on the payroll, and would like for listeners to show their appreciation by calling the furniture store and thanking them.

Announcer has a pleasant tenor voice of medium range, and delivers his songs in a direct, sincere, fashion. Clifford Shaw backs the soloist up very ably at the piano, and turns in a chorus or two on his own. Hold.

'SONGS OF A DREAMER'
With Gene Baker
Transcriptions
15 Mins.
NORTHWESTERN YEAST CO.
M-W-F, 1:45 p.m.
WGZ, Schenectady
(Hays-McFarland)

Vocalist-recitationist Baker and Organist Larry Larsen plus Home Economist Doris Moore should do a creditable merchandising job for Maca Yeast. Not pretentious or expensive, but okay for type of women who bake their own bread and apt to be radio-reached most consistently in smaller towns-rural areas. Program reeks of Chicago.

Baker smoothly baritones standard popular numbers as well as hymns. Precedes them with verse, etc., in 'Song Stories'. He also reads well a 'thought for the day'. In addition, teams with Miss Moore on some of advertising. She is tabbed a home economist, and does talk about recipes. However, sounds like a matured professional miker. Larsen, an NBC Chicago consolist, competently backgrounds Baker's warbling and reciting.

Plugging is plentiful. Station man cuts over music to name two winners of \$5 prizes for best household hints (entries accompanied by yeast wrapper). Cash coppers seem to be from middle, south and far west. Jaco.

'INTERNATIONAL HOUSE PARTY'
With Bob Armstrong Orch (12),
Three Treys (3), Vera Holly, Oscar Davis, George Torge
15 Mins.—Local
HEAD MILLER BREWING CO.
M-W-F, 7:30 p.m.
WBBN, Buffalo

Many-sided and live quarter-hour. Songs are cut to a chorus and a half; all tunes are of the peppy type; full band does only a run-on and run-off and there's three minutes left over for a comic bit by emcee Oscar Davis. The result is a swift-paced, well-knit and smooth local revue.

As expected, each second of the quarter-hour has its place and none is wasted. Vera Holly is the town's best vocal bet who chants in a warm, velvet voice. Session caught (30) had her reviving 'Between the Devil and Deep Blue Sea'. Three Treys on novelty side do a catchy bit, and join up with Miss Holly for four-way harmony tune.

Band, which Armstrong has welded into a smooth crew that rates with the nation's top house bands, has no spot for itself, which is show's only flaw. Outfits rates a rhythm bit.

Davis was obviously reading from script on opening (30) but showed promise of dropping jerky style for glib emceeing. Commercials run on institutional side, with George Torge doing slick work of speliing western New Yorkers to visit Canada and see its scenery. Idea is that sponsor's brews are peddled only on that side of the border. Betz.

BRIAN LAWRENCE ORCH
Sustaining
Fri, 8 p.m.
2 FC, Sydney

Brian Lawrence used to do a kid act on the old Tivoli loop in days gone by. Went to London and played around vaude centres until grown to manhood, and then went into the night spots with musical combo. Presently he's dance-band leader at a top night spot in this sector, swinging into radio to top extra coin.

Lawrence brings nothing new in presentation ideas with him from London. His air life is limited if current layout ideas are continued. Melodies miked included 'Stop Thief', 'Lilies in the Rain', 'Midnight in Mayfair', 'F. D. R. Jones', 'A Little Bit of Heaven', 'Mountains of More', '18th-Century Drawing Room' and 'Chicken Reel'.

Lawrence's own singing is of the usual standard found in vaude and night spots. A very weak female singer adds nothing to prospects of a buildup in popularity with the Aussie air mob. Rick.

'JUST BETWEEN FRIENDS'
With Benny Walker, Edna Fischer
15 Mins.—Local
VANO CLEAVER
Daily, 8:30 a.m.
KGO, San Francisco

Philosophical comment by Benny Walker, organ-backgrounded by Edna Fischer, debuted here (1) to interest the ladies in Vano Cleaver. Walker is an old-time fav here, conducting amateur hours and formerly a mainstay on the Woman's Magazine of the Air.

Pleasant-voiced observations on great lessons from small things, even a postage stamp sticking will it gets there' are interspersed with poetic bits. Novel information is included, such as fact that human jaws exercise pressure of 300 pounds per square inch, with comment that it's mostly used to generate weak chatter.

Walker brings in personal angle somewhat, mentioning it's a show he has always wanted to do, and uses same approach on commercials, telling how he tried the cleaner on the kitchen wall at home, etc. An okay morning show of its type. Wern.

'BULLS AND BONERS'
With Campbell Ritchie
30 Mins.—Local
Sustaining
Friday, 2:30
CKLW, Windsor, Ont.

This program serves several ends as well as capturing attention of radio fans weary of the steady parade of daytime serials. Offering \$10 in prizes to the fans who catch bulls and boners of the announcers during commercials it has put a gloss over the advertising and is bending ears in its direction.

Fans write in on tongue-twisters, mispronunciations, poor usage of words as they've caught the announcements during the week. The whole staff is assembled, with an ad lib informality which helps to establish their personalities with the audiences, and if they own up or are convicted of the bull or boner are assessed the buck sent to the discerning listener.

Not only does the half hour program serve to make the announcers better known to their following and keep the public listening in to the sales talks but is productive of some easy humor during the pan sessions. Being a Canadian station across the river from Detroit, it also does a little language educating in that both the Waverly (British) and Webster (American) dictionaries come into play on the alleged mispronunciations. Typical of the entertaining half-hour is its theme song 'Ooh, what you said.' Pool.

'CONTACT'
With Dave Elman
30 Mins.
Sustaining
Saturday, 9:30 p.m.
WOR-MBS, New York

Dave Elman, creator of the Hobby Lobby program which has been off the air since late last spring, has come up with another bright idea in 'Contact'. Program makes for interesting and occasionally comical listening by selecting people who are, for various reasons, attempting to contact someone they haven't seen for some time, a friend, long lost relative, etc. It is their reasons rather than their search itself which makes a radio show.

The initial airing was a bright, lively piece of work, despite the one or two poignant tales told. One, for instance, brought up a young woman who was seeking trace of her husband believed to be a victim of amnesia. She handled the details of the events leading up to his disappearance in a way that drove home her apparent despair of ever seeing him again. She was either sincere or a good actress.

The selected stories, however, are not all in that vein. Leadoff guest was an actress who had collaborated on a play some years ago and now had the opportunity to sell its rights, but before the deal could be completed had to have the consent of her partner, who has disappeared. Half hour included three or four comical tales that sounded too pat to be on the level. On a startoff broadcast forced ones were to be expected. Wood.

'G-MEN AT WORK'
Dramatic
10 Mins.
BBC, London

Show forms one of a trilogy BBC presents under tag 'Time for Crime'. It's either a U. S. wax job or from scripts Dick O'Connor, its mentor, has peddled to BBC, probably the former, as one-time N. Y. newspaperman is only cut in on opening and closing spiel. Another voice tabulates dramatic action. Anyhow, from its makeup and handling, stuff isn't scripted on this side.

A fast paced job of chiller proportions. G Men at this airing took a flyer at the Rothstein case. Action is all spotted around 47th street and Broadway district in the heyday of '28. It's likely to prove tonic radio fare this side, especially as showcased between scriptings of the more sedate Scotland Yard. Production setup from this angle is smart and well thought out.

O'Connor is introed as an Irish-American with a reportorial inside track on the gunman stuff.

'WE, THE ABBOTTS'
Daily, 4:15 p.m.
WABC-CBS, New York
(Benton & Bowles)

Second of two partner strip shows debuting Monday (7), 'We, the Abbotts' ballyhoos a new to the air product, Nucoa, a 'modern margerum rich in food energy and rich in vitamin A'. Possibility that it might be a substitute for butter is painstakingly avoided, even the word 'butter' being unmentioned. This avoidance involves no little circumlocution, the product having to be described as a 'spread for bread'. Sponsor is Best Foods, a corporate affiliate of General Foods, whose 'Portia Faces Life' also debuted this week in immediately preceding spot.

Like its forerunner, 'We, the Abbotts', sticks in the standard groove of daytime serial fundamentals. Show is described as a 'heart-warming portrait of a small-town American family', the characters, including the school superintendent, his wife, 17-year-old boy and girl twins, a nine-year-old daughter and the housekeeper. First chapter set the scene and people and planted a wealth of plot material, the main thread apparently being that papa is about to tangle with the racketeers who have placed slot machines in the soda shop across the street from the highschool his twins attend.

Jack Hasty's script is direct, obvious and workmanlike, with the proper number of scene-changes per installment, the climaxes in the proper places and the slight teaser at the close. It's the kind of stuff that gives educationally-minded people the fidgets, but Hasty and the agency are clearly not pretending to be educationally-minded. They're just out to sell an inexpensive butter substitute. As nearly as anyone can predict such things, 'We, the Abbotts' should do the job.

Production and acting are competently professional, although Cliff Carpenter and Audrey Egan sound a trifle young for supposedly 17-year-old kids. Ted Pearson reads the commercials. Hobe.

Salt Lake City.—James Lawrence, announcer from KOVO (Provo) moves to KLO, Ogden.

WCKY
CINCINNATI
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MORE SCIENCE, SENSE, SOCIAL VALUES IMPLICIT IN FCC LICENSES FOR FM

Government Avoids Original Catch-as-Catch-Can Attitude Under Which Present Broadcasting Develops Undesirable Attributes

Washington, Oct. 8.

Economic considerations will be taken into account in opening the door for Frequency Modulation. New yardstick adopted by the FCC last week is expected to avoid the mistakes which accompanied development of standard broadcasting and make sure that the new technique is not developed under conditions that years hence might result in monopoly.

Revised policy regarding allocation places emphasis on the various 'trade areas.' Definition was adopted because the commission feels that generally the 'social and cultural' interests of the community are synonymous with the business interests. Also, because of the peculiar characteristics of the system, FM transmitters will be able to cover only limited territory.

Concept is somewhat similar to the New Dealish ideas conveyed in the report of the special FCC committee which probed monopoly in the standard broadcast field. The trio showed concern over overlapping service, besides fearing that too

many outlets were controlled—either because of multiple ownership or the conditions governing network affiliation—by small groups. Strict adherence to the novel principle adopted for FM allocations should head off any waste of facilities.

The 35 channels set aside for FM outlets will be divided according to the area which will be served. Using a modification of the Census Bureau terminology, the commission will grant franchises for operation on 22 channels to stations serving 'basic' and 'limited' trade areas where the population tops 25,000; six will be set aside for plants operating in such areas with population under this figure; the remaining seven ribbons are primarily for rural service, with such stations expected to cover at least 15,000 square miles except in unusual cases.

In blanketing trade the transmitter must be situated as to deliver good service to the center and lay down an acceptable signal at the fringe. Concessions may be made, upon proper showing, to operators setting up shop in rugged ter-

rain, an area with sparse or unevenly-distributed population.

With 625 basic trade areas to be considered, the commission expects to give careful thought to the needs of the populace in stamping tickets. Each of these regions will have one or more stations, but the specific assignments will depend on many factors. No rule of thumb is to be followed. 'Instead the commission will use the 'effective radiation' test—meaning the combined effect of antenna height, signal gain, and power—in stipulating the facilities. Care will be taken to prevent transmitters in metropolitan areas from invading suburban cities which might be able to support their own stations if business were not drained away by some neighboring behemoth. The objective is to encourage the maximum degree of local service, undoing what some critics feel is a great mistake in the organization of the broadcasting industry as now constituted. The commission made plain its intention of seeing that 'the many cities which are not listed as principal cities of basic trade areas' get their own outlets.

In applying for tickets, prospective operators thus must ponder 'the sphere of economic influence' of the spot in which they hope to set up shop. To prosecute an application successfully, they must present convincing geographic and economic data, using one of four standard maps in outlining the probable service area.

In regard to the plants which will serve large rural area, and for which seven stripes have been set aside, the commission said they will be permitted to serve incidentally principal cities but their programs must be tailor-made for the more remote and thinly-settled areas. Location cannot be such that the service area duplicates that of a transmitter authorized to cover a limited or basic area.

Revision of the rule announced last spring is a consequence of the commission's determination to use the trial-and-error method in framing a licensing policy. As contrasted from the past custom of adopting rigid standards which can be altered only (1) after long legislative hearings or (2) in a way that gives rise to accusations of favoritism. Analysis of the requests already filed tipped the regulators off to the shortcoming of their originally announced policy and showed that a new yardstick must be employed to avoid both technical and social chaos.

Johnson Wax's Film Gossip For So. America

S. C. Johnson & Co. (wax products) is making it another 13 weeks for its foreign language series on WBNI and WRCA, NBC shortwave in New Jersey, effective Oct. 11. Both shows are directed at Latin America.

One program, 'The Stars in Hollywood,' is in Spanish, and the other 'Life Hollywood,' is in Portuguese.

'Gabby' Street Set for '41

St. Louis, Oct. 8. Charles 'Gabby' Street, former major league baseball manager, who has rounded out his first season as a radio baseball commentator for the Hyde Park reveries here, has been signed for the 1941 season by the Ruthrauff & Ryan agency, which 'discovered' him. Street, working with Ray Schmidt and Alex Buchan, gabbers of KKOK on a six station Hyde Park midwest web, furnished the strategic reasoning of managers of ball games played here.

Street's explanations, a baseball education in themselves, have won wide praise.

Gene Kling, who conducts 'Midnight Jamboree,' early-morning recorded series, over WEVD, New York, moves Oct. 14 to WOR, New York, to do a similar kind of program.

What Is a 'Trade Area'?

Washington, Oct. 8.

Definition of service areas and trade areas, to be served by high frequency stations, was handed down last week by the Federal Communications Commission. A 'basic trade area,' or 'limited trade area,' shall consist of 'areas the boundaries of which are determined by the Commission on the basis of showings made in applications as to retail trading areas or consumer trading areas and from government data,' the government body decreed. Each basic trade area shall include one 'principal city,' with the boundaries of basic trade areas adjoining and the aggregate of all such areas comprising 'the total area of the United States.'

Each limited trade area must include one city, but the boundaries of limited trade areas are not necessarily adjoining, the commission ruled, and may include portions of other limited trade areas or extend into more than one basic trade area.

In considering applications for high frequency stations, commission will establish service areas. Transmitters will be licensed to serve:

- (1) An area comprising a limited trade area and a city. The station shall render good service to the city and its service area shall conform generally with the limited trade area.
- (2) An area comprising a basic trade area and a principal city. The station shall render good service to the principal city and its service shall conform generally with the basic trade area.
- (3) An area of at least 15,000 square miles comprising primarily a large rural area, and particularly that part of the basic trade area which cannot be served by stations assigned basic trade areas due to economic and technical limitations. The service area may include one or more principal city or cities, provided that in rendering service to such cities, the service to rural areas which the station is designated to serve is not impaired. (A 'rural area' is defined as all land area outside incorporated towns or cities with population greater than 2,500 and where the density of population is less than 150 per square mile.)

BUT GETS COMMISSION

WHB Not Outlet For Its Own Regional Network

Kansas City, Oct. 8.

Though it's the key outlet for the Kansas State Network, WHB, Kansas City, is not carrying the Big Six football broadcasts which are being underwritten by Ford Motors on that hookup. WHB, however, is collecting a commission on the network billings since it holds an exclusive sales contract with the KSN's affiliates. Kansas City release for the series is KMBC, and the broadcasts go out to the other stations through WHB's control board.

KOAN, Pittsburgh, and KGNO, Dodge City, have been added for this account to the series' hookup.

WNEW Has 5 Kw Nights

Power boost to 5,000 watts night time has just been granted WNEW, New York, by the FCC. New power requires new directional antenna, to be started immediately for completion at Carlstadt, N. J., in about three months.

Station's power is now 5,000 watts day and 1,000 watts night.

WHN'S Hockey

Pabst beer will sponsor the Rangers and Americans hockey games at Madison Square Garden, N. Y., this season over WHN, New York. Bert Lee (Lehbar) and Dick Fishell will again handle the play-by-play accounts. Besides the regular National Hockey League contests in the Garden, the contract calls for broadcasts of the Stanley Cup playoffs. Lord & Thomas is the agency.

Hockey tilts last season were carried by WHN under Gillette sponsorship. First game this year will be Nov. 14.

McClain Joins Grant Agency

Fort Worth, Oct. 8.

Jimmy McClain, assistant production manager of the Texas State Network, has resigned to become radio director of Dallas branch of Grant Advertising Agency.

He has assumed direction of the 'Mahdood Mystery Playhouse,' which is aired each Sunday over the Texas Quality group.

United Airlines On Mutual With Boake Carter

United Airlines will be the first aviation outfit to go network when it does it closes with Mutual for a several times weekly program series. United has okayed Boake Carter, news commentator, but is still trying to work out the time and station hookup with Mutual.

New York—Ashton Dunn has been promoted from superintendent of training to personnel manager of NBC.



AL TARANTO
WILLIAM ESTY & CO.

CAN YOU PUT SCOTTIE
(OVER AT NBC SPOT) ON YOUR
CALENDAR FOR A SPELL TO-
MORROW MORNING?

HE WANTS TO CHEW THE FAT
ABOUT A NEW TYPE OF
WOMAN'S SHOW HERE AT KYW
—WHICH COULD BE A ZINGER
FOR THE TEA BUREAU, OR FOR
DOROTHY GRAY OR PACQUINE.

CAN DO? —GRATEFULLY.
Griff Thompson

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KYW
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station in
PHILADELPHIA

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In the West, every good regional network station is a basic station in every major market. Each station carries the full schedule of coast-to-coast features, broadcasts more "Big Time" shows, attracts more listeners, delivers more sales per dollar!

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The network with the most "Firsts" in the West is Columbia-Pacific. It spreads its dominance everywhere in the nation's richest per capita market—delivers more listeners, during more quarter-hours, than any other Western network. This ready-built audience, the most responsive in the West, is all yours from your very first program on...

**CBS
Columbia-Pacific**

Columbia Pacific Network

A DIVISION OF THE COLUMBIA BROADCASTING SYSTEM
A Division of CBS Inc., Columbia Square, Los Angeles
New York, New York, Chicago, Detroit, Cleveland, St. Louis, San Francisco, San Antonio, San Diego, Salt Lake City, Seattle, Portland, Tacoma, Vancouver, B.C., Canada

Father Flanagan Program Remotes To WLW, Cincinnati, From Near Omaha

Cincinnati, Oct. 8. Father Flanagan, head of Boys' Town, near Omaha, is bowing on radio commercially at a time when Father Coughlin is off the air. The guardian of homeless boys, whose work was the basis of a feature motion picture, started a series of Sunday half-hour programs on WLW this week. Broadcasting is direct from Boys' Town to the Crosley studios here, making it the most distant remote series scheduled on WLW. Harold Carr, production chief of the \$50,000 water, has made several trips to Boys' Town since April, lining up arrangements.

First 15 minutes of the period features the boys themselves in a personalized portrait of their home. Their band plays and the choir, which appeared in the 'Boys' Town' film, sings. Lads also conduct sports, hobbies and self-government interviews. Last portion has Father Flanagan in the role of radio counselor, answering child problems sent to him by parents.

CAPE COD STATION STAFFS AND STARTS

West Yarmouth, Mass., Oct. 8. After two years of preparation, during which three time extensions were granted by the Federal Communications Commission, Station WOCB, the Cape Cod Broadcasting Company, went on the air Oct. 2. Station has 250 watts power, unlimited time on the air, and will broadcast on 1210 kc., covering the Cape Cod, Martha's Vineyard and Nantucket.

Helen W. MacLellan and Harriet M. Alleman, Osterville (Mass.) business women, are owners of the station, having received their license from the FCC two years ago. Miss Alleman is general manager; H. Harrison Flint, formerly of WLAU, Lawrence, (Mass.) and WMEK, Boston, is program manager; Arthur Newcombe, another former WLAU staff member, is commercial manager, and Rodney Merrill, former WEAN, Providence engineer, heads the technical department. James Beardsley from WLAU and Edward Contour from WFBG, Altoona, Pa., will serve as the station's announcers.

WOCB is on the air daily from 8 a.m. through 11 p.m. Station has no network.

JAMES NOE INDICTED

Prominent Politician Owns Radio Station WNOE, New Orleans

New Orleans, Oct. 8. Former Governor James A. Noe, owner of WNOE here, was indicted Thursday (3) by the Federal grand jury for income tax violation in connection with the affairs of the Long dictatorship's Win or Lose Oil Co. Involved is about \$33,000 in income and excess profit taxes for the year of 1935.

The indictment was rumored for several weeks, but its return by the federal jury was nevertheless a political sensation here since Noe has been variously reported as desirous of running for the United States senate in 1942 and governor of Louisiana in 1944.

'This Small Town' Cast

Cast for 'This Small Town,' new strip serial for Procter & Gamble over NBC red (WEAF), includes Joan Banks, Jay Jostyn, Carl Eastman and Eleanor Audley. Ed Herlihy is announcer. Lester Huntley is scripter, Chick Vincent director. Series is produced as a package by Edwin Wolfe (not of Ed Wolf Associates).

Product is Duz, a new granulated soap. Compton is the agency.

I. Q. Quiz to Milwaukee

Chicago, Oct. 8. Dr. I. Q. (Lew Valentine) quiz show for Mars candy shifts its impersonation to the Wisconsin theatre in Milwaukee starting Oct. 21.

Currently on the stage of the Capitol in New York City. Account is handled by the Grant agency here.

Mr. and Mrs. Announcer

Hollywood, Oct. 8.

Figured to increase the effectiveness of its commercial copy and at the same time add a novel touch, Ruthrauff & Ryan agency has hit on the idea of a man-and-wife combo to handle the Rinso plugs on Edward G. Robinson's 'Big Town.' Assignment is split up between Ken Niles and the missus.

She'll back up what he says and vice versa.

WBAL WOMAN SUBBING FOR ALMA KITCHELL

Baltimore, Oct. 8.

Katherine Dierken, director of Women's Programs for WBAL, will handle Alma Kitchell's 'Brief Case,' airings over the Blue Network during latter's absence due to illness. Although WBAL is the Blue outlet here, it does not carry the 'Brief Case' airings.

Station will feed substituting set-up to rest of web.

NBC Cracks Kid Show Monopoly Of Don Lee Network on Coast

VARNEY'S MORMON DISCS ARE READYING

Salt Lake City, Oct. 8.

Chase Varney is in town from Colorado Springs winding up series of 26 half hour radio dramatizations on the story of the Mormons (Church of Jesus Christ of Latter Day Saints). Dramatizations will be transcribed and used in Mormon foreign mission work but contracts for the pressings have not as yet been awarded. Original test series of 13 went over 2,000 pressings.

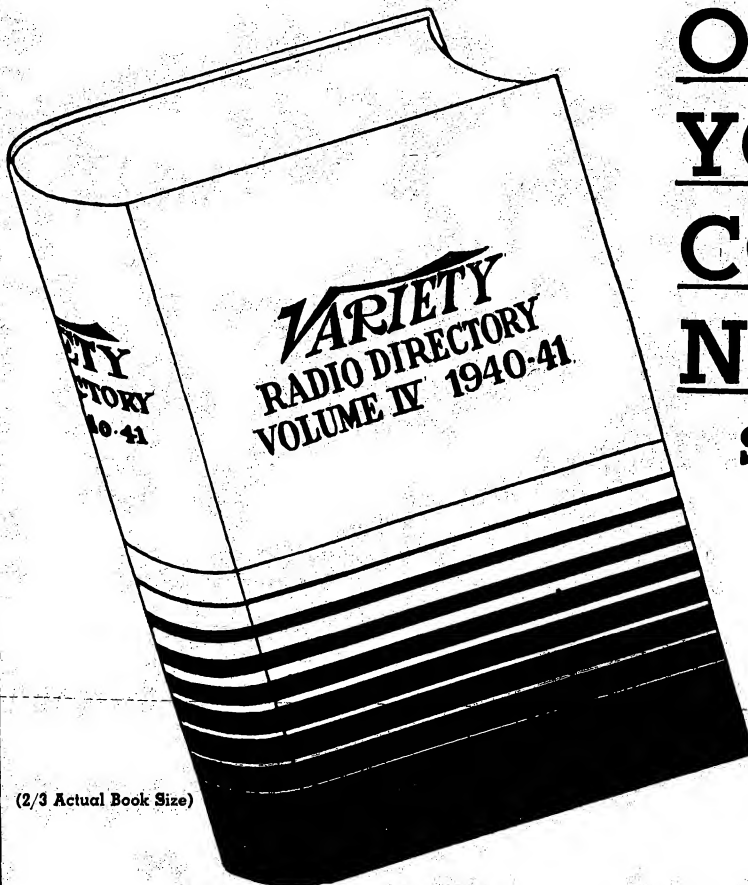
Varney scripted 'The Sunday Players' series of religious half-hour dramatizations.

Dayton, O.—Gene Willoughby has left the sales staff of GFEL, Denver, to become sales manager of WING, Dayton, O.

NBC has in a measure cracked the monopoly which the Don Lee Network has had for years on kid shows in the Pacific area. KPO, the NBC-red's San Francisco outlet, started yesterday (Tuesday) to clear the 'Jack Armstrong' series (Wheaties). NBC could have had the same series on KGO, the blue's Frisco release, at 5:30 local time but that would have spotted 'Armstrong' back to back with 'Tom Mix,' which is sponsored by a competitive cereal, Ralston. 'Mix' has the 5:45-6 p.m. period.

JACOB TARSHISH RETURNS

'The Lamplighter' (Jacob Tarshish) will do a series over WOR, New York, locally, at 10:15-10:30 a.m. Sundays beginning next week (13) for A. Goodman & Sons, spaghetti. Al Paul Lefton is the agency.



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Stations Urge Limits Upon Networks; Time Breaks, Merchandising And Five-Minute Sales Are Deplored

Recommendations as to how far stations should go in asserting their rights to chainbreak periods have been made by the executive committee of the Independent Radio Network Affiliates to its members. The committee, in a letter mailed last Saturday (5) suggests that the affiliates maintain their claim to such spots on the even hour and half hour, but urges that they refrain from pressing their claims to the chainbreak spots which come between contiguous network programs belonging to the same advertiser. The committee would prefer that the affiliates let this later situation ride until after Jan. 1, 1941.

Committee's letter also disclosed that opposition has been voiced by IRNA against any proposed plan by the networks to have their affiliates furnish free to network advertisers some of the merchandising service made available by competing media. Likewise the committee informed the IRNA membership that it had taken up with the networks the matter of the latter selling five-minute periods, and was assured that the practice would not be general but limited to news programs, and that every effort would be made to sell the subsequent 25 minutes either as a solid unit or in 10- or 15-minute periods. CBS has two such five-minute programs and the NBC blue, one. The letter states that the committee has heard it rumored that the network would permit buyers of half-hour and full hour programs to fill up the segments following the news programs with contiguous programs of five and 10 minutes.

On the question of trailer announcements, those used between contiguous programs by the same advertiser, the networks have agreed to try to get the client to revise his present method of production. Rather than have them inserted cold after the theme of the preceding program has ended, the webs would prefer to have the theme continued in the background as the trailer is read. In such case the listener would understand that the trailer is part of the previous program period. 'Where,' states the letter, 'sponsors have been producing both trailers

SWAP CBS ENGINEERS

Louis Clements Back to WABC in Job Trade With Lewis Smith

Minneapolis Oct. 8.

Completing a long-time job switch, Louis Clements, transmitter engineer at WCCO here for the last two years, is returning to the CBS transmitter in New York. He temporarily traded jobs two years ago with Orville Sather, so that he could finish his work at the University of Minnesota. In the meantime Sather was transferred to work in television for CBS and didn't wish to return to Minneapolis this fall.

Lewis Smith, another former Minneapolis engineer, came to the rescue and obtained permission from Hugh McCartney, WCCO chief engineer, to trade places with Clements.

WIZE Personnel Set

Springfield, O., Oct. 8.

Personnel of WIZE, of which Charles Sawyer is president and principal stockholder, is as follows: George Losey, manager; Leo Boulette, program director; William Spencer, sales manager; William Radcliffe, production manager; James 'Corney' continuity editor; Elizabeth Kern, director of women's programs; and Arthur Martin, chief engineer.

Station will begin operations about Oct. 15.

16-Year Old KWK Singer

St. Louis, Oct. 8.

Dorothy Mattingly, 16-year old school girl, is on KWK sponsored by the Columbia Brewing Co., makers of Alpen Brau suds.

Options run five years.

and a following spot in the station-break, every effort will be made by the networks to induce the sponsor to use only one and to produce that as a trailer announcement.

Pug's Mike Fright

'Grand Central Station' did prizefight story recently and, for authentic atmosphere, got a couple of professional pugs from Gary's gym, N. Y., to do bag-punching for sound effects. Bit of dialog was built around the business and, as a cue for a scene tag line, one of the pugs was supposed to land a terrific wallop on the bag.

Everything went off perfectly at rehearsal, but for the actual broadcast one of the pug-uglies got nervous and missed two hay-makers at the bag, forcing Leit Erickson, lead on the show, to do some ad-lib filling until he finally connected.

CRANK MAIL TO FCC CONTINUES BRISK

Washington, Oct. 8.

Squawks from knob-twiddlers should be addressed to the offending stations and not to Uncle Sam's Communications Commission, it was pointed out again last week. From the 'There's Very Little We Can Do' Department of the FCC, Newark, N. J., radio fan received a gentle rebuke, suggesting that he 'communicate his views' directly to the station which aired a program of classical music 'in synopacted style.' Commish can't be responsible for boogie-woogie renditions of Bach, in other words.

Typical of complaints received by the Commish is the fretful query of a New Yorker who 'was in a certain official to retract a statement he made on the air.' A knob-twister from California squawked about American rebroadcasts of Hitler's speeches, while another New Yorker complained that pro-British utterances in the U. S. should be curbed.

From Ohio comes a complaint that 'certain Berlin broadcasts' were objectionable. He was informed that 'the commission does not, of course, have jurisdiction over alien stations.' A Manhattanite advised that 'there is no statute or regulation' which obligates broadcast stations to play 'America' or the 'Star Spangled Banner.'

Commish employees are hoping that querulous queries will fall off after the November elections, but, as long as a speller by the name of H. Hitler remains on the Berlin payroll, they are resigned to apologizing for the fact that the Government is not responsible for the type of news and political broadcasts which constitute freedom of the air.

Swope vs. Keewaydin

Washington, Oct. 8.

Herbert Bayard Swope, unladen and Keewaydin, Cor in which he has a finger, bought Columbia Broadcasting System stock during August, the Securities & Exchange Commission reported last week. Former journalist peddled 3,380 pieces of Class A common on the same day the holding company picked up the identical amount. Soon after, he peddled another 300, cutting his direct interest in the network to 1,100 shares.

Keewaydin now accounts for 6,380 of the Class A tickets.

Ford Rush's WSM Job

Nashville, Oct. 8.

Ford Rush, radio performer from the early days, has joined WSM Artists Bureau. He takes over the sales spot made vacant by the resignation of David Stone.

Rush will continue to do some broadcasting on WSM, including one of his sons, Ford Rush, Jr., a showman and the Grand Ole Opry, which Prince Albert carries on an NBC hookup.

BUDDY CLARK QUILTS AGENT

Buddy Clark, who is currently on the 'Show of the Week' Mutual commercial, has left the management of Columbia Artists, Inc. but because of his contract he will go on paying that office commissions for the next eight months.

Clark hasn't as yet tied up with another rep.

Cochran Writes of London

Continued from page 3

their care is now being well looked after by the different Borough Councils. Frankly, it was not organized properly in most districts when it was first needed. We have the habit of being late—and so had Jimmy Walker.

Rubbernecking the Ruins

Despite the suffering—even horrors—resulting from the German raids, London yesterday—a glorious, sunshiny day—had the air of a gala occasion. There was rubbernecking parties on all the main streets looking at the sights.

So far, food goes, there is not much difference since I last wrote to you—we are short of practically nothing essential. We must use less sugar and butter and tea, but there is plenty in the restaurants; and I find out from workers I come in contact with that they can get all they can reasonably afford to pay for.

One of the greatest nights in my life—and one which will ever be memorable—was the occasion of the first performance of George Black's £20,000 production, 'The Top of the World,' at the London Palladium. It had scarcely got started when the curtains closed in on a spectacular girlie scene and the manager came forward with the announcement that the sirens had sounded. 'You may have to go to the shelter,' he started, 'but—' he was not allowed to finish the sentence. 'Get on with the show!' the whole audience cried. Everything went as well as normally, and during the interval I did not hear the raid discussed—and it was still going on full blast!

Sitting just in front of me were the stalwart and beloved Americans, Bebe Daniels and Ben Lyon; another American, Dorothy Dickson, sat a few seats from me. When the popular comedian, Tommy Trinder, before closing, announced that the 'All Clear' had been sounded, the audience was not a jot less satisfied. He was a riot. A terrific hit was also made by the kid, Pat Kirkwood, aged 19, as pretty as a picture and a sure com.

Cochran's Radio Shows

Sept. 23.

The difficulty of organizing my big Saturday night radio hours during the blitzkrieg has caused a delay in getting on with this letter. However, I have done two programs and the attached cutting from today's Daily Express indicates that they are not Royal. Here also is another cutting which will give you an idea of what is happening to all of us. We

ADD: QUIZ SHOWS

Oklahoma City's 'Spin and Win With Jimmy Flynn' Preems

Oklahoma City, Oct. 8.

WKY, Oklahoma City, aired for the first time Thursday (3), a new quiz show, 'Spin and Win With Jimmy Flynn.' Complete with 'The Wildcat From Borneo,' who is the time-keeper, 'Little Egypt,' who spins the numbered wheel, and 'Sappo,' the Soothsayer, who gives the answers, this Ray Buffum show keeps the carney air-throughout.

Initial airing was from the Criterion theatre with the stage in a splash of color from banners and the carnival tents. A complete midway scene greeted the audience when the curtain opened for the broadcast.

Jimmy Flynn role handled by Perry Ward of the WKY staff, who is working closely with Buffum in station production.

Kobak's Ciney Speech

Edgar Kobak, NBC v.p. in charge of blue network sales, speaks today (Wednesday) before the Cincinnati Ad. Club.

Topic will be what he terms a case history of the blue, with problems recalled, progress made, etc.

have all got used to the raids and in one way or another people who have got jobs to do accommodate themselves to the very special circumstances and conditions today. My secretary, who lives some wny out, gets away as early as she can in the morning between an 'All Clear' signal and the warning siren; so I sometimes commence my work as early as 7:30 a.m. Pretty regularly that Man starts his aerial show at 8 p.m. and, like the showman of old, gives plenty for the money. The average raid lasts from 8 p.m. to 5 a.m. The noise of the anti-aircraft guns from my flat is simply terrible. There are some big ones a few hundred yards away in Hyde Park; these are supplemented by some charming little toys which run around the streets on trolleys!

Hollywood and New York did me proud with cabled good wishes on my opening and judging by the congratulatory messages which came the next day and a day or so later, a good many must have got through to England somehow or other. Sometime I shall hope to thank all my good friends individually.

By now all the theatres are closed but the picture houses are keeping open.

Sarah Churchill's Cuck

For my next broadcast on Saturday, Sept. 28, I have a bill which should be a good one anywhere with your old friends Bebe Daniels and Ben Lyon, Leslie Henson, Fred Emney, Doris Hare and Sarah Churchill (the Prime Minister's daughter) and Leslie Howard in the balcony from 'Romeo and Juliet,' a number of splendid names for London which may not be known to you.

A feature of my program is the large orchestra of 38, conducted magnificently by Gerald. For each show A. P. Herbert, M.P., sends one a patriotic message, and he has done the lyrics for a swell patriotic number to finish each show weekly. His lyric, 'Freedom' set to Elgar's music, is the best thing that the war has yet produced.

Poor old Arthur Wimperis, who has been the librettist of many shows of mine, including my Broadway success, 'As You Were,' was in the torpedoed kindergarten ship yesterday, but was saved and, incidentally, acted very gallantly. He was on his way out to do some work for Korda, for whom he has done a great deal in England for years.

Our people are so magnificent in their calm and adaptability that I would not be out of London for a great deal. It is the best show I shall ever see, and I am proud to be a very minor part of it.

His friends in America will be glad to know that my old friend and colleague, Prof. Ernst Stern, has been released from the concentration camp, into which he was swept with a large number of aliens.

It is interesting that the radio discovery of my shows is Sarah Churchill. In the first two she acted as a stooge to her husband Vic (Oliver), but the B.B.C. officials spotted her entirely on her merits as the bestrided voice that has been found in this country for a long time.

My wife and I send affectionate regards to all our friends.

Sincerely,
Charles B. Cochran.

IN BALTIMORE IT'S **WBUR**

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

WBNX

YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET

Now! **5000 WATTS**
DAY and NIGHT

YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET

PUT IT OVER
WITH THE
50,000
WATTS OF
WJUR
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 WJUR is purely indicative of the point of broadcast origination. For WJUR... 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 WJUR!"

BASIC STATION... COLUMBIA BROADCASTING SYSTEM
EDWARD PETRY & CO., NAT'L REPRESENTATIVES



Again...
for the
7th SEASON

**JACK BENNY
MARY LIVINGSTONE
PHIL HARRIS
DON WILSON
DENNIS DAY
and
'ROCHESTER'**

**Authors
BILL MORROW
ED BELOIN**

**Every Sunday at 7 P.M., EST
NBC Network — Coast-to-Coast
Direction: A. & S. Lyons**

Sustaining Scale Awaits Membership Approval; AFRA-Web in Accord

Tentative agreement between the American Federation of Radio Artists and the three major networks, settling the dispute over a new sustaining contract, will be submitted to the union's membership for approval at meetings early next week. Meeting of the New York local will be held Monday (14) at the Edison hotel, with the Chicago confab scheduled for Tuesday night (15) and the Los Angeles and San Francisco gatherings Wednesday night (16).

After several weeks of huddles with representatives of the New York State Mediation board presiding, the preliminary accord was reached last Wednesday (2). Attorneys for the two sides have since been working to put the agreement into legal terms and they are expected to be finished today (Wednesday) or tomorrow. Although the terms of the accord are being withheld, it is believed that both sides have made concessions, with the networks apparently going further than the union in this regard.

The original sustaining contract expired Aug. 12, but was renewed to Sept. 12. When the two parties to the pact were unable to agree on terms for a further extension and a strike seemed imminent, the State Mediation board stepped in with an offer to try to effect a settlement.

Weber Discloses 47 MBS Outlets Not With BMI

In a letter addressed to Mutual's affiliate stations last Friday (4) Fred Weber, the network's general manager, disclosed that 47 of Mutual's 122 affiliates have not completed contracts with Broadcast Music, Inc. Also that Mutual affiliates will have to pay BMI for network commercials on a basis different from that prevailing for NBC and Columbia stations. "You will appreciate," wrote Weber, "that this is necessitated by the different basis of compensation on commercials to Mutual affiliates from other networks."

Weber's letter was in line with his assurance to the affiliates that he would keep them apprised of the latest developments in the controversy between radio and the American Society of Composers, Authors and Publishers.

IT'S BARON REITH

Former Head of BBC Is Raised to Peerage for War Work

London, Sept. 24.

Sir John Reith, former head of the British Broadcasting Co., has been raised to the peerage with the title of baron. He is now heading reconstruction work under the war cabinet.

Since withdrawing from BBC some three years ago, Reith has been connected with Imperial Airways and later with the Government under different portfolios.

English Soldiers Like Baseball Via Shortwave

Schenectady, N. Y., Oct. 8.

Mutual Network for the second year granted General Electric international short waves, WGEQ and WGEA, permission to pick up, for international relaying, the World Series game broadcasts. Last fall marked the first time GE had short waved any but NBC web programs. Both years, GE has air and press credits. Mutual for the courtesy, GE received many letters from members of U. S. Army, Navy and Marine Corps on foreign duty, from Americans working outside continental United States, from Englishmen in Britain, and even from British soldiers in France last fall, expressing appreciation for the World Series broadcasts.

WLW Silence Cut Down

Cincinnati, Oct. 8.

Moving up its starting time 15 minutes to 5:30 a.m., WLW is now on the air 21 out of 24 hours a day, except Sunday. Earlier sign-up is for farm folk, truck transport drivers, all-night workers and restaurants.

Initial quarter-hour has Pa and Ma McCormick heading a hillbilly program with Hal O'Halloran as m.c.

Len and Martha Turner, WHO, Des Moines, Iowa, begin the sixth season for Oshkosh, B'Gosh, Inc. This fall also marks the 10th season at WHO for the comedy pair.

Payroll Traffic

Milwaukee—Howard M. Paul, heretofore in the newspaper, agency and retail advertising field, has been added to the continuity and publicity staff of WTJL.

Birmingham, Ala.—Jud Collins, WSGN announcer, joins announcing staff of WMM, Nashville.

Walter Gaines Allen also has left WSGN to take up his work as commercial manager of WCBF, Columbus, Miss.

Detroit—Arnold Stinson, formerly of CHML, Hamilton, Ont., has joined the announcing staff at CKLW, Windsor.

Akron—Bill Griffiths, WJW sportscaster, has been named production manager of the station. Ed Taylor, in the program department, has left the station.

Salt Lake City—At KSL Ted Kimball takes new position as head of continuity department. He is transferred from production department where he has worked for the past year. Kimball replaces Ralph Hardy who was recently transferred to sales executive position.

Regina, Sask.—Lyman Potts, production manager of CKCK, Regina, leaves soon to take over similar duties with CKOG, Hamilton, Ont.

Birmingham—WSGN loses Gaines Allen who resigned to be promotion department of WCBF, Columbus, Miss. Bill Gullahorn has joined the staff, taking over Allen's place in sales department.

Youngstown, O.—James Sirmans, formerly of WCKY, Cincinnati, has become chief announcer and production manager of WFMJ, Youngstown.

Troy, N. Y.—Edward S. Robinson, whom Harry A. Wilder sent to Troy two years ago from WSYR, Syracuse, to lay the foundation for operating WTRY and manager of the 1,000-watt station, it went on the air last April, has returned to Syracuse. Announced that local station was running so smoothly Robinson was no longer needed here.

Youngstown, O.—Gerald Bowman, former radio news editor here and for the last month a special investigator for Mayor William B. Spangola, has resigned to join WLW, Cincinnati.

Mansfield, O.—Robert Horn, formerly with WPAY, Portsmouth, has become news editor and news announcer at WMAN, Mansfield, O.

St. Louis—James C. Buchanan, formerly with the UP, Chicago, has joined news staff of KMOX.

Chicago—Leonard O'Connor added to the staff of the NBC news and special events department by news chief Ken Frye. O'Connor comes in from Davenport (Ia.), where he was on the Times. He replaces Ed Weber, who has been switched to the NBC-Blue network sales department. Leon Racusin has been brought into the WJJD sales organization by Herb Sherman, WJJD sales manager. Formerly with the Retail Reporting corporation in New York and previous to that was on the Herald-Examiner ad staff here.

Edmonton, Alta.—Stewart MacKay, announcer with CJCA, Edmonton, has joined the staff of CJRC, Winnipeg, Man.

Regina, Sask.—Exit of J. Lyman Potts, production manager of CKCK, Regina, for CKOC, Hamilton, Ont., caused shift of Lloyd Westmoreland from speller to program director and addition of continuity editor title to that of publicity director for Don MacMillan.

Beaumont, Texas—Jack Neil has taken over the duties of general manager of KRIC here, having resigned the same job with KFAC, Port Arthur, Texas, to make the change. KRIC is owned and operated by the Beaumont Enterprise & Journal. Neil had been with KPAC since last January.

Along with Neil came G. L. Kirk, former commercial manager of KPAC, assuming the same job at KRIC. Joseph S. T. shifts from continuity editor at KPAC to the same stint at KRIC, while Jack Alexander and Tony Chastain, also shift with Neil as announcers.

Donald Mitchell has resigned as

Inside Stuff—Radio

Columbia and Mutual lost out on a piece of political business when President Roosevelt decided to do a fireside chat tomorrow night (Thursday) on "Fireside Defense." His original intention for the day was to make a political speech and the Democratic National Committee had reserved the 9 to 9:30 period on CBS and Mutual. The non-political event will be aired by all networks between 10:30 and 11. Wendell Wilkie's election eve (Nov. 4) finale will be over CBS from 10:30 to 11. The Democratic National Committee has revised its windup radio schedule and will use the 10 to midnight stretch on the NBC red and blue and Mutual and the 11 to midnight period on Columbia. The President will go on at 11 p.m.

William A. Schudt and his assistant Bob Clarkson, formerly of WOR, are now in active competition with the older transcription companies in selling the services of the newly developed transcription division of Columbia Records. Schudt has the Benton & Bowles web business as a starter plus the N.A.B. Langworth library discs (public domain). Company has a high fidelity type of recording with what Schudt is calling 'the Columbia characteristic.'

Jim McWilliams, radio's first m.c. of a quiz program, is without a connection this season. Makes the first time that he hasn't had an air berth since he introduced the 'Professor Quiz' stanza on WJSV, Washington, for G. Washington Coffee in July of 1938.

The ad agencies don't know whether to take McWilliams' absence as an omen or just as an oversight. McWilliams' last alliance was Colgate's 'Ask-It-Basket.'

Walter G. Preston, Jr., public service program head at NBC, and Margaret Cuthbert, women's division director, compared notes and uncovered one of those strange personal coincidences. Preston was born in Dawson, in the Yukon district, during the gold rush. Miss Cuthbert's father was at the time the commandant of the Royal Northwest Police in that area and, as children, Preston and Miss Cuthbert had been playmates.

Following WCCO's Minneapolis ad in VARIETY last May, reproducing a paper-clipped Variety review which praised the Plehal brothers, one of the station's staff acts, these 'harmonica twins' received and accepted an offer to appear on Al Pearce's CBS show. They're now booked for a return engagement with Peace Out, Oct. 25. Also, they go into the Paramount theatre, Los Angeles, for a week, starting Nov. 1.

Ben Bernie observes that he's not a headache to his new sponsor, Bromo-Seltzer, judging by the quick renewal he got from Ruthrauff & Ryan directly after his first broadcast last Tuesday.

Originally slated for 13 weeks, Bernie and his lads 'n' lassies were immediately given a 26-week deal.

All the scripts of the Helen Hayes series (Lipton's Tea) are being written under the direction of Teresa (Terry) Lewis, who quit Young & Rubicam several weeks ago for this particular freelance assignment. Last Sunday's Hayes installment, 'Love From a Stranger,' was done entirely by Miss Lewis.

Helen Nugent, contralto and WKRC's, Cincinnati, Old Fashioned Girl, heard on programs feeding to the Mutual network, has a part in the special film which traces history of the order of Sisters of Notre Dame de Namur in this country.

Picture was released this week for national showings.

When Hart signs off his Saturday session he turns his listeners over to King, telling 'em to shift to King's wavelength. Past week he went as far as giving King's phone number to enable some to call in for request platters.

KRIC chief engineer to become monitoring officer for the FCC. He had been with the station two years. He is replaced by C. G. McDaniel, formerly an operator. Kirby Smith moves up to the post vacated by McDaniel. Ed Henry remains as KRIC chief announcer.

New York—Walter Scott Newhouse, Jr., formerly with the Graduate Group, Barron Collier and the Brooklyn Daily Eagle, joined the sales staff of WQXR, New York.

New York—William E. Sonnenmann, formerly with the 20th Century-Fox accounting department, now assistant to Charles Van Loan, of the accounting division of WOR. Tom Harker, formerly with Edward Petry, joined WOR sales staff, succeeding Burt Lambert, who shifted to WNEW. Fred Mears assistant to Lester Gottlieb, Mutual publicity head.

Dorothy Whittington, new secretary for Alfred Wallenstein, WOR

musical director, replacing Marie Murphy.

Decatur, Ala.—Joseph C. Gannon, formerly of WLEU, Erie, Pa., and WAVE, Louisville, has joined WMSL, Decatur, as staff and sports announcer. Pat Kelly, of NBC, New York, set the deal.

New York—Arthur Sheron, Jr., has gone with the sales staff of International Radio Sales. He was formerly with Pedlar & Ryan, working on the Camay account.

Memphis—Charles H. Maughan, has quit WREC's publicity department to become news editor of the Memphis Labor Review, local organ of the American Federation of Labor.

Fred H. Ford, commercial manager of local station WJNO, West Palm Beach, re-elected president of the Better Government League for third successive term.

3 GENTLEMEN FROM INDIANA



WGBF
EVANSVILLE



WBOW
TERRE HAUTE



WEOA
EVANSVILLE

Three promotion men from Indiana ready to go to market for you... and how they can sell! Experience shows that they, like our other Stations, produce

Results That Count!

WEED

AND COMPANY

NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO

Radio Station Representatives

ACETATE
Recordings
Processed and Pressed
In Canada
Vertical or Lateral
Also line
Recording of
the highest
Quality
Many
Satisfied
U.S. Clients
Compo Company Limited,
Lachine, Montreal, Canada.
Transcription headquarters
For Canada.

From the Production Centres

IN NEW YORK CITY

J. B. Priestley's radio talks to America from BBC, London, have been gathered up by Harper's and will be published as a book. Margaret Cuthbert of NBC very busy and worried last week, with mother in hospital (pneumonia) and ditto Alma Kitchell, who conducts NBC's 'Brief Case' program (gall bladder operation).

Guy C. Hickok, NBC shortwave program director, off by clipper for month in South America. Eddie Cantor passed 10th radio milestone. Jack Harris of WSM, Nashville, in N. Y. enroute to broadcast Vanderbilt-Princeton game (local station goes 1,000 miles for sports pickup—is that news? asks Harris). Considerable gassing around Radio City when stooges in baseball garb began circulating in NBC's front yard carrying portable radios tuned to the World's Series and bearing signs 'ask me the score via WOR'. Overseas Press Club passed an accolade to Edward Murrow, London rep of CBS, for the work he's doing. Direct Mail Association meantime presented NBC with two honorable mentions for the year. John Young, retiring radio director of the World's Fair, promoted himself a trip to Japan. sails Nov. 11.

Jerry Danzig, WOR publicity head, to Philadelphia to handshake radio eds. Dorothy Goodman p.a. for B. S. Bercovici's lecture tour. Allen Kent new announcer for Dr. Henry Lee Smith's 'Where Are You From?' series which went commercial last week. Ira Ashley, director of 'Grand Central Station' for the last year, stays with the show when it shifts from Listerine to Rinsco bankrolling next month. Dave Driscoll, WOR special features director, named Advisory Committee for National Selective Service liaison to the New York radio stations. Hal James and Florence Spertl (Mrs. James), of the Compton agency radio staff, dude ranching at Great Barrington, Mass., for two weeks.

IN HOLLYWOOD

NBC is intent on selling Sam Hayes as a national football oracle. Calling his shots on the big games along the Coast for Mobilgas, his programs are waxed for sale beyond these confines. To date sales have been made to 33 stations in the midwest and east. Joe Parker, NBC producer, and Charles Smith, NBC artists service rep, gave up their appendices last week. Don Lee bought Associated Press coverage for the chain, the first network deal closed along the Pacific by the news service. Deal calls for 24-hour coverage for all 32 stations of the web. Signal Carnival starts its sixth year on NBC Nov. 10. Renewal came through last week. NBC department heads tossed a farewell luncheon to Charles Brown, called east for sales promotion of net's managed and operated stations. Jack Runyon east for a new agency connection. Things are running in 12's for Al Pearce. He observes his 12th year in Radio Oct. 12 and the Mr. and Mrs. biz adds up to 12 years Oct. 11. Ed Holden (Frank Watanabe) and Irving Brennan organized United Writers, Inc., to handle material for radio and pictures. Larry Milligan, account exec with Blackett-Sample-Hummett, and W. R. Ramsey, radio director for Procter & Gamble, on deck for takeoff of Helen Oboler's 'Everyman's Theatre'. Charles Burgman, up from NBC pace ranks to production staff of KDON, Monterey, Calif. Jimmie Fidler's radio deal blowing hot and cold.

IN CHICAGO

Roswell Merritt leaves NBC here to join the Henri, Hurst & McDonald agency. Bob Elson will shift from baseball to football without a layoff, taking up collegiate play-by-play each Saturday for Ford Motors over WGN. Don Pontius switched from Mutual traffic to merchandising and sales. Dorothy Gregory joins cast of 'Kitty Keene', Ian Keith, John Hodiak, Carlton Brickert join 'Girl Alone'. Don Hancock goes to New York to handle announcing job on 'The Goldbergs', and replaced here on 'Step-mother' by Carlton Kadel. Vivien Fridell and Lewis Krugman added to cast of 'Helen Oboler's 'Everyman's Theatre'. Charles Burgman, up from NBC pace ranks to production staff of KDON, Monterey, Calif. Jimmie Fidler's radio deal blowing hot and cold.

IN SAN FRANCISCO

John Nelson, plucked from KLX to handle Folger's 'Best Buys' on KSFO because the sponsor liked his voice, has won another promotion, trekking south as producer with Raymond Morgan agency in Hollywood. KROW, only station to advertise in Oakland Post Enquirer's special radio-electrical supplement this month, netted 84 1/2 inches of free space and eight pix. CBS and NBC each got 43 inches of copy with nine pix for CBS and eight for NBC. All stations in area were represented save KLX, which was invited but didn't respond. latter is owned by Oakland Tribune, which explains why. KROW, indie, will use 1940-41 CBS 'American School of the Air' series again this year. NBC carrying heavy sked of pickups from annual Frisco Food Show in Civic Auditorium this week. During eight-day affair, fans will watch Benny Walker's amateur hour, Ricardo, Ernest Gill, Ann Holden, Ruth Sprague, Marigold Cassin and other air faves. Web also has full-time booth.

Marie Houlihan, CBS press rep, likes to be different. Proved it this week by tossing a 'tag party' at her home at 2:30 a. m. Sunday (6). Odd hour was picked for convenience of her guest of honor, Claude Thornhill, whose band currently occupies the Mark Hopkins' Peacock Court.

WGR Asks 5 Kw.

Buffalo, Oct. 8. WGR asked the FCC last week for 5,000 watts day and night on 550 kc in place of its present 5,000 watts daytime, 1,000 watts at night. Permit would move WGR's transmitter from Tonawanda to Hamburg, N. Y. WEBR requested okay to determine operating power by direct measurement of antenna power. FCC okayed wish of Batavia, N. Y., group operating as Batavia Broadcasting Corp. to amend its application for a new station. Group had sought outlet of 640 kc, 250 watts daytime, but will change that.

Canada's All-Year DST Complicates Schedules; Benny In, Church Out

Montreal, Oct. 8. Church services over local government station CBM have been cancelled to make way for the Jack Benny program. Due to daylight saving time still being in effect here, and with church services formerly occupying time from 7:30 to 9 p. m. it was impossible for the government station to adjust schedules without losing one of the two a. c. shows coming into Canada.

Splitting the 8 to 9 p. m. D.S.T. period here on the government station with Jack Benny will be the sensational success 'Let's Face the Facts' program which got its send-off by Dorothy Thompson.

Church services went off the government station for the first time in many years last week to make way for the Canadian Red Cross program. 'Information Please' another program which is no longer being heard here. Dropped from station CFCF schedule due to D.S.T. which gives Wrigley's Treasure Trail previous call on that period. 'Info' would have been lost to Canadian listeners anyhow due to new sponsorship by 'Lucky Strike' which does not use Canadian outlets.

Thousands Phone WJR, Detroit, When 'Love From a Stranger' Is Fouled

MINNEAPOLIS FOOTNOTE

WLOL Asks WDGY 'Is That Cricket, Old Boy?'

Minneapolis, Oct. 8. WLOL, local Mutual outlet, has a burn because WDGY, former Mutual station, attempted to horn in on its 'exclusive' world series baseball coverage by announcing the games' progress every 15 minutes. What's more irksome is the fact that WDGY explained that the service is for the particular benefit of St. Paul listeners, intimating that the latter aren't able to tune in on WLOL because of power and wave length obstacles. What recourse, if any, WLOL has remains to be seen, but the incident threatens to develop at least into a radio station spot.

One-sheets were posted around the Twin Cities by WLOL, advertising the world series' games broadcast. This is the first time a local station has done any posting for one of its either attractions, previous advertising having been confined in all instances to the newspapers.

WIBX British Aid Show

Utica, N. Y., Oct. 8. Program for the benefit of the British War Relief, aired over WIBX recently, has already drawn more than \$500 in contributions for a mobile kitchen unit. Within a short time of the 60-minute broadcast more than 200 phone calls were handled by the station, with the phone company reporting many busy signals. Feature of the variety program was the description by Mrs. Elspath Skilbeck, recent British refugee mother, of conditions there when she left.

Network Premieres This Week

Wednesday, Oct. 9. Lever Bros. (Rinsco), WABC-CBS, 8-8:30 p. m. 'Big Town' with Edward G. Robinson and One Minute Ruthrauff & Ryan. Producer, Crane Wilbur. Director, Thomas Freebairn Smith. Originates from Hollywood. Hookup; 73 stations.

Friday, Oct. 11. Dr. Earl S. Slesar (Liniment), WJZ-NBC, 9-9:30 p. m. 'Gang Busters', with Col. H. Norman Schwarzkopf and dramatic cast. Warwick & Legler. Originates from N. Y. Hookup; 84 stations.

Sunday, Oct. 13. Hall Bros. (Hallmark Greeting Cards), WEAF-NBC, Sun. 4:15-4:30 p. m. and Tuesday and Thursday, 1:15-1:30 p. m. 'Tony Wons Radio Scrapbook', Henri, Hurst & McDonald. Originates from Chicago. Hookup; 32 stations.

Tuesday, Oct. 15. Charles Gulden (Mustard), WJZ-NBC, Tuesday and Thursday, 6:30-6:45 p. m. 'Gulden Serenaders', with Red Latham, Wamp Carlson, Guy Bonham, Peg La Centra, Johnny Gart. Charles W. Hoyt. Producer, Frank Chase. Announcer, Jack Costello. Originates from N. Y. Hookup; 2 stations.

Thursday, Oct. 17. Lewis-Howe Co. (NR's), WJZ-NBC, 8:30-9 p. m. 'Fame and Fortune', with Tommy Dorsey's Orchestra; Connie Haines, Frank Sinatra, Pied Pipers and guest, Ruth Lowe. Slack-Goble. Originates from New York. Hookup; 95 stations.

Detroit, Oct. 8. Lightning hit the Detroit Edison power lines here at 8:26 p. m. Sunday (6) and caused a break in the Helen Hayes program coming through WJR. The emergency lines were brought but before the rest of the program was resumed it was 8:28 p. m. and the program was in the signing-off stages.

The program being aired had a mystery flavor, the suspense had been awful in 'Love From a Stranger', and there was the panning public—and the station—with no knowledge of how the thing turned out.

For the next 15 minutes—and long after—there was pandemonium in the studio. Upward of 500 telephone calls came in on how did 'Love From a Stranger' end and the succeeding hours brought the calls up into the thousands. Even office boys—on the short Sunday staff—were pressed into service on the telephone calls, mostly giving unsatisfactory answers on how the solution was reached. They didn't know the solution, either.

The network teletype got hot advising New York of where the program left off when the lightning hit. Engineers had been following and knew where the bolt blitzed the play. The teletype finally came back with the dialog from the last few minutes of the play.

DEMOCRACY IS THEME OF CBC SERIES

Winnipeg, Oct. 8.

A new series under the title 'Challenge to Youth' started on the Canadian Broadcasting Corp. October 9 at 8:30 p. m., CST. Series has been arranged by the CBC in cooperation with the Dominion-Provincial Youth Training Scheme in the west and the Canadian Association for Adult Education. Programs will alternate between Winnipeg and Toronto, with Bruce Moorehead, director of the Community Youth Centers for Manitoba, working with Mr. and Mrs. John Craig for the western end. Series will last until January 22, according to present plans, with a recess for Christmas.

Topics to be covered are: The Summons; How the Wheels Go Round; What Has Democracy Done for Us and What Have Totalitarian Countries Done to Their Youth; How We Govern Ourselves in Canada; Does Democracy Work Efficiently; Freedom for Whom? To Do What? How Can We Serve Democracy? Economic Security—Is It Possible? If Democracy Goes, What Then? Can We Make Good? Can Democracy Give Us a Square Deal? Why Plan for the Future? Youth Responds.

Listening groups are being urged by the CBC.

MARY MARGARET McBRIDE

COLUMNIST OF THE AIR

CBS NETWORK for the FLORIDA CITRUS COMMISSION

MONDAY THROUGH FRIDAY, 3 P.M., EST

Personal Representative
ESTELLA H. KARN

Describe American College Football Games In Spanish For So. America

Philadelphia, Oct. 8.

Perhaps for the first time in radio history a college football game was aired in Spanish to South America last Saturday (5) over WCAB, Columbia Broadcasting Company's international station operated by WCAU here. The first contest was the game between the University of Pennsylvania and the University of Maryland. Every game on the Penn schedule will also be aired on the short-wave, according to Kenneth W. Stowman, WCAB director.

The play-by-play was handled by Adrian Rubio and Alfonso Luis, Spanish sports commentators. Before the actual game started Rubio gave a 30-minute explanation of the intricacies of the grid game. This will be a regular feature of the Spanish sportscasts, Stowman said. In addition to the Saturday broadcast WCAB will air two 15-minute sports programs each week to further explain football rules and principals. The program is part of the outlet's Pan-American goodwill program.

FORD ONE-TIMER TO SO. AMERICA VIA CBS

Ford Motor Co., Columbia Broadcasting, and various South American consuls and personages in New York, will combine Saturday night (12) to beam a shortwave broadcast at South America. An idea of the Ford outfit, airing will run a full hour, 8-9 p.m., as a good will thing and is to emanate from the Ford Bldg. at the New York World's Fair. Car makers have bought the Enric Madriguera band, which will be enlarged to 22 people, for the show.

Ford is not sponsoring the program. The only thing that it actually is paying for is the band. It had been hoped that CBS' regular net would pick up at least 15 minutes of the proceedings, but that's unlikely.

Madriguera at first frowned on playing the date, but changed his mind when he found out it would reach the Argentine, his home territory. He will debut a new composition of his own titled 'Pan American Way'.

Yves Bourassa Quits CKAC, Biondi Steps In

Montreal, Oct. 8. Yves Bourassa, program director of station CKAC for many years, has resigned to join Radio Program Producers in an executive capacity.

Ferdinand Biondi, musical director, has been placed in charge of program production at CKAC with Pierre Goulet, formerly at CHLP, to assist.

Old Gold's WLW Local

Cincinnati, Oct. 8.

Old Gold cigarettes has inaugurated a series of Tuesday and Thursday 7:30 to 7:45 p.m. musicals on WLW, employing talent from the Crosley staff.

Bill Stoess directs the orchestra. Vocals by Jack Fulton, tenor; Thrasher Sisters, harmony trio, and Jim Wilbur and His Swing Sextet.

DETROIT FORD DEALERS SPONSOR PRO PIGSKIN

Detroit, Oct. 8.

In sponsoring ethering of the Detroit Lions, pro football team here, Ford Motor Dealers is picking up plenty of extra radio blurring. This town gets hot about its sport events with the Tigers' recent triumphs whipping up the local interest to a peak.

Whenever any of the Lion stars is questioned on other programs he is identified as 'appearance through the courtesy of Ford Motor Dealers.' This counts up to plenty of added free mentions with the sports celebs being called for personal appearances on all sort of programs.

Harry Wismer returned to the air to again broadcast Lions regular games for the Ford dealers over WJR. He has done the chore for several years. University of Michigan games come in here via WWJ with Paul Williams doing the announcing. Sponsor of these broadcasts is the Automobile Club of Michigan.

KYW TO 50,000 WATTS

WIBG, Suburban Plant Since 1925 Now Is 1,000-Watter

Philadelphia, Oct. 8.

The Federal Communications Commission last Wednesday (2) okayed the petition of KYW to increase its power from 10,000 to 50,000 watts. The new wattage will put KYW on the par with WCAU, at present the only 50 kw. station in the Philly area. Officials of the station said it would probably take from three weeks to a month before technical changes could be completed to the KYW transmitter in Whitmarsh to permit broadcasting at 50,000 watts.

E. H. Gager, plant manager, thinks the new wattage will increase KYW's listening area to include an additional million in 15 counties of Pennsylvania, New Jersey and Delaware.

Another station to step up its power is WIBG, Glenside, a Philly suburb. The station, operated since 1925 at 100 watts, went up to 1,000 watts beginning yesterday (Mon.). Band leader Glen Gray threw the switch at ceremonies opening the new transmitter.

'UNION NOW'

Merger Idea (U. S. and England) Using Stations

'Union Now,' weekly discussion series pushing the plan for a union between the U. S. and the British Empire, currently airing over WMCA, New York, and by short-wave, over WRUL, Boston, is now being recorded and for placement over other stations as a sustainer. Show is bankrolled over WMCA by the 'Union Now' sponsoring setup, Clearing Center for Union Now.

Stations that have already signed to take the series as sustainers include KSRQ, Santa Rosa, Cal.; KOVC, Valley City, N. D.; WCOV, Montgomery, Ala.; WKBB, Muskegon, Mich.; WARM, Scranton, Pa.; WELI, New Haven, and WBBB, Res. Bank, N. J. Speakers on the series include André Maurois, Robert E. Sherwood, Clare Boothe, Betty Gram Swing, Vernon Nash, John Balderston.

Biz So Good Sales Manager Not Needed

Schenectady, N. Y., Oct. 8.

The return from NBC to General Electric of WGY is bringing some personnel changes. Alan Taylor and John Howe were dropped from the sales staff. Alex McDonald, for some time in charge of promotion, will probably handle sales work and promotion will revert to the GE publicity bureau.

WGY has not staffed a sales manager for several years, there being so much demand for time and so little available that one was not needed. Personnel cut in sales department is a sign that no lessening in clamor for time is anticipated.

'WHAT WOULD YOU DO?' IN FRENCH VERSION

Montreal, Oct. 8.

'What Would You Do' in French (Crown Brand-Canada Starch) begins over station CKAC this week with Marcel Baulu, Pierre Ranger and Cyril Delage handling queries, m.c'ing and announcements.

Marcel Baulu also spotted for the Lipton Tea script show 'Le Vieux Maître d'Ecole' (The Old Schoolmaster), which returns to air over government outlet after summer layoff.

Small Town Accounts

Tuscola, Ill., Oct. 8.

WDZ has added Dr. L. D. LeGear, Medicine Co., the Northwestern Yeast Co. and the Union Biscuit Co. to its list.

The proprietary drug account is using Paul Groves, staff artist; the yeast outfit, three 15-minute musical disc periods a week and the biscuit mixer, the transcribed serial, 'Betty and Bob.'

XEFI, Chihuahua, Ups

Chihuahua, Mex., Oct. 8.

Success during nine years of operation has inspired radio station XEFI here (capital of Chihuahua state) to expand its power and scope. Will go to 1,000 watts the end of this month.

Station has thrived by selling Chihuahua advertisers on the value of radio to get publicity across to remote mining and cattle folks.

Canadians Improve Publicity

Winnipeg, Oct. 8.

The Prairie Region office of the Canadian Broadcasting Corp. has just started issuing a new type of schedule. Previous to this date all schedules have been done up in the mimeograph style.

Latest, a copy of that sent out from the Toronto office, is a 16-page job printed on slick stock complete with cuts and stories included.

Nazi Films Pall Latins

Continued from page 3

stated that the labor movement here is tinged with Communistic dogma the Mexicans have not been able to stomach the Moscow deal with Berlin and stand aloof from that section of the 'party line.' In any event the combination of Mexican worker and middle class distaste for Hitlerism makes the German film distrib's problem a thankless one. Even at practically giveaway terms bookings are few and infrequent.

Applaud U. S. Pix

Mexican audiences, always demonstrative, from roof-raising applause to icy silence, have practically boycotted totalitarian pix. Newsreels have been largely pruned of German and Italian sequences, though there is no official ban on Nazis or Fascist pix.

Frequently of late American features have been accorded cordial applause. It is not always given Mexican pix, several of which have flopped badly of late. Excepting for a few French releases which are fairly well liked, and fewer Mexicans, Hollywood has it pretty much its own way down here at present.

Mexico has a new eagerness to build up friendship with the U. S. A party of leading manufacturers is soon to go to the U. S. in quest of more biz via personal appearances and contact. This group is also to visit Canada. These businessmen are convinced that their best foreign sales bets now are the U. S. and the Dominion.

U. S. Influence Still Strong In So. America

By RAY JOSEPHS

Buenos Aires, Oct. 8.

Hollywood, seen the South American way, is still the strongest influence in South American pix. While the Nazis have been making inroads in getting Berlin-bossed films to the public, they have done little or nothing to get their propaganda into locally-made products.

There are plenty of Germans working in studios here, but as in California, most of them are refugees. World-lead held by U. S. films is too good an example for local makers to ignore. Majority of those with any power are Argentines. They know the taste, what can and can't be done and stick pretty close to a pattern of following the U. S. lead with their own interpretations.

Only taboos are incidents that should show to disadvantage anything about the native of another country. Poking fun at officialdom—say a comic cop—or at patriotism is also on the strictly out list.

Year ago a film called 'Three Argentines in Paris' was released. It gave a good natured razor to the long-standing custom of rich cattle-men heading for France when they had pesos to splash around. Not only was it stopped, but the incident led to a duel. Opera finally had to be remade.

Historical Films

Historical films are also often lousy because there have been few countries south of the border that have not taken potshots at one another at some time. The Institute Cinematografico, headed by Senator Sanchez Sorrondo, only government to vote against the recently-offered resignation of ill President

Roberto M. Ortiz, heads the organization, which is a kind of National Board of Review. It operates loosely as do similar groups in other South American countries. Idea is if there is a kick the public will yell, so why get excited in advance. Nothing even remotely resembling a Hays office exists here.

Influence of the Catholic church is greater in South America than in the States. Presidents of most countries must be Catholics and no producer would dare take a chance on anything that would offend.

Trying to judge public taste isn't the kind of job it is in the States. Only one director, Dick Harlan, born in Peru of U. S. parents, and formerly in Hollywood, has used sneak previews. For a long time, nationally-made films couldn't get into first-run houses. Now, along Calle Lavalle, where there are 25 houses in two blocks, half are featuring local pix. Draw is still stronger back in the interior.

Directors

Since directors are the most important individuals on local lots, an examination of the leaders is worth study. Most directors here are self-made. Theatrical grads or first interested through financial connections, they preserve their independence and have a close eye on the boxoffice. Many admit that they know more about the public than pix-making. Idea is to get the point across, not to be bothered with too much technique or novelty.

Directors are usually hired on one-year contracts to do three or four pix. Oldtimers compare many gies—personal and otherwise—with Hollywood of 15 to 18 years ago. Less thinking about shooting skeds or budget limitations although money-saving shortcuts are the rule. Most important directors are: Luis Cesar Amadori, Carlos Borcosque, Dick Harlan, Francisco Mujica, Manuel Romero, Luis Saslavy and Mario Sofer.

On the technical side, best known of the S. trained film people here is Bob Roberts, for years in charge of the special effects department at Paramount and now director of photography and in charge of special effects at Pampa Film. John Alton who was here for several years is also rated high. (Another of a series on the South American motion picture industry.)

British Writers

Continued from page 3

who has been here for some time. He wrote the original story of 'Hold on to Your Hats' (Shubert, N.Y.) and collects royalties. Book was revised by Eddie Davis and Matt Brooks. Another visiting English author who formerly figured prominently on Broadway is Frederick Lonsdale, while Noel Coward has been on this side for the past six months on a British military mission.

That some London managers may become active on Broadway is possibility, George W. Lattimore having announced 'Color Blind' for presentation. Play, described as a sociological drama, was written by Mary MacMahon. It will have a 'musical underscore' by Duke Ellington.

Lively Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN MARKET
FOR **KDYL**
The POPULAR Station
Salt Lake City

Representative
JOHN BLAIR & COMPANY

NBC RED NETWORK

WBAL
means business
in Baltimore

CONSTRUCTION PERMIT GRANTED

FULL TIME
On 1060 kc and
50,000 WATTS



Co-op Programs Commissionable, Not Charity, Weber Tells Mutual

Mutual affiliates were informed last week in a memorandum from Fred Weber, Mutual general manager, that his office expected to receive the customary network commission on time charges in connection with cooperative programs. Weber wrote that he wanted to clear up any misunderstanding that might have developed on this issue among Mutual affiliates.

"You appreciate the fact," stated Weber's memo, "that these cooperative programs require the time of our sales representatives, and the entire organization in dealing with the producers of cooperative programs, advertising agencies, as well as re-laying all information to stations. Every one devotes his fullest efforts to secure the lowest talent charges for each station. Thus, as much time and effort is devoted to cooperatives as to any other commercial."

GULDEN SHOW BACK

Peg LaCentra Again Heads 'Revenue For Hoyt Agency'

The Gulden Mustard Serenade, twice-weekly 15-minute variety show which returns to NBC blue (WJZ) next Tuesday (15), will this season be heard also over WOR, New York, via discs. Latter edition will be an off-the-line recording. Its first airing will be the following Tuesday (20) and it will continue to be the show heard Tuesdays-Thursdays the previous week over NBC blue.

Talent lineup remains virtually the same, with Peg LaCentra, the Serenaders (Red Latham, Wamp Carlson, Guy Bonham) and Johnny Gart. Only change will be Jack Costello as announcer in place of Hjerluff Provensen. Richard Pratt is producing for the Charles W. Hoyt agency.

Ford Show Under WOW Direction An Omaha Sock

Omaha, Oct. 8.

Omaha city-wide food show this year sponsored by retail merchants and staged by Station WOW closed Saturday night (5) with every night but Wednesday registering terrifically at the gate. Whole show this year took on a radio complexion owing to shift here of several radio units. More than 20 members of the cast of the Akla Seltzer National Barn Dance, including Hoosier Hot Shots, staged 'The Hay Left Gang' at the auditorium Saturday night, going out over the red net via WOW at 8. 'Truth or Consequences' quiz show went out over the red net from here 7:30 to 8 and later at 10:30 p.m. Avalon Show Boat went over the red net also via WOW on Monday night, Dick Todd, warbler, and Del King, announcer, remaining for a couple of extra days. Another attraction was the daily cooking school conducted by George Rector famous restaurateur.

Louis Kavan, secretary of the Independent Retail Grocers and Meat Dealers association, said the show broke all previous attendance marks. These ranged from 2,500 on opening night, taking a jump to around 3,000 to 4,000 in the middle of the week, 4,500 Friday and nearly 6,000 closing night Saturday. Admission was 10c afternoon and 25c at night.

CANCELS LICENSE OF BEN MCGLASHAN

Washington, Oct. 8.

Deletion of high-frequency broadcast stations W6XKG and W6XRE of Los Angeles, was ordered last week by the Commish. Failure of Ben S. McGlashan, owner of the stations, to comply with FCC regulations and supply proof that he contemplated a program of research and experimentation which would meet with Commish approval led to denial of the California's application for renewals of license for his transmitters.

W6XKG operated on 25,950 kc with 1 kw and W6XRE used the 350,000 kc ribbon with 500 watts.

CJRC, Winnipeg, Shows

Winnipeg, Oct. 8.

CJRC, Winnipeg, has launched a live talent onslaught during the morning hours. Current 'Good Morning, Neighbor,' conducted by Stuart MacKay, new mickeman from CJCA, Edmonton, with an orchestra under direction of Bill Wilson, station musical director. Singer is Ralph Wickberg, tenor.

Station program director, Eddie Houston, is planning others for later introduction. This station was last locally to use live talent to any extent during morning when they had 'Sunny Boys,' corn group with Jack Thompson, m.c., on for a season. This was built up to big local attraction and then dropped for monetary reasons. Station has since come under wing of Taylor, Pearson & Carson group.

AMERICAN EXPRESS' CHRISTMAS SPOTS

American Express started its annual placing of spot business last week through the Caples agency. It's the usual minute announcements with the number per week stepping up as the Christmas season approaches.

WCAE, Pittsburgh, Signs Dept. Store For Footballer

Pittsburgh, Oct. 8.

Hearst station WCAE has landed another new department store account. Bankroller is Frank & Seder's, which has taken Ed Koren's 'Kroen-O-Scope' for duration of grid season. Program hits the air every Saturday afternoon for 15 minutes at 2:30 and will give up-to-the-minute news on football scores, along with a re-creation of famous plays in gridiron history.

Handling play-by-play account of all home University of Pittsburgh games again for Atlantic Refining will be Woody Wolf, who did the same chore last season. He's being assisted by James Murray, WCAE press agent and sports announcer.

NEW MONTREAL BIZ

Underwood Sponsors Pianist—Medicinals Placing Contracts

Montreal, Oct. 9.

Ernest Seitz, Canadian pianist, returns to his Sunday afternoon recitals for Underwood-Elliott-Fisher (typewriters) over Canadian Marconi station CFCF this week on a 26-week booking.

Meantime new commercials over station CFCF include spot campaigns by Dr. Williams Laboratories (N.Y.), Lambis Furs, ExLax Co. of Canada, Solo Beverages.

St. Lawrence Starch returns to CFCF with daily spotcast (McConnell Eastman Agency) while Groves Laboratories (Bromouquine) will use 'Musical' Mon. through Fri.

New Station (WIZE) Due For Springfield, Ohio

Springfield, O. Oct. 8.

Charles Sawyer, Cincinnati attorney and prominent in State Democratic circles, who owns controlling interest in WING, Dayton, and Ronald B. Woodyard, general manager of WING, have been elected president and vice-president, respectively, of the Radio Voice of Springfield, Inc.

Company recently granted a construction permit for a new station here to have the call letters WIZE.

10 New FCC Lawyers

Washington, Oct. 8.

Ten more budding radio barristers made their debut last week when the FCC approved their applications to practice before it. Swelling the ranks to a point where rubber walls may soon have to be installed in various Commish hearing rooms to accommodate the profession, newest attorneys are:

Raymond A. Bartlett and Henry Mayer, New York; Doyle Willis and Delbridge L. Givvs, Dallas, Tex.; Eugene Best, Riverside, Calif.; Clifton W. Brannon, Toccoa, Ga.; Walter East Hempstead, Jr., Los Angeles; Samuel Jacobs, Albany, N. Y.; George H. Leonard, Fort Wayne, Ind., and Richard Arthur Ruppert, Cincinnati.

WCAU OPENS AT 5 A.M.

Philadelphia, Oct. 8.

Beginning Monday, Oct. 14, WCAU will begin its broadcasting day at 5 a.m. instead of its usual 6 a.m. tee-off. The eye-opener hour will be devoted to an hour of transcribed hillbilly music bankrolled by Consolidated Drug Trade Products. The new schedule will give WCAU a broadcast day of 21 hours, longest in the station's 12-year history.

FCC Agrees to Revise Questions Station Applicants Must Answer

WHO, Des Moines, Accounts

Des Moines, Oct. 8.

WEO, Des Moines, new biz: Ford Dealers Advertising Fund through McCann-Erickson, 19 - nouncements of 100 words each.

Household Magazine of Topeka; Presba, Fellers & Presba, Chicago, for nine periods of five minutes each (Ken Houchins, yodeling drifter), and three periods of 15 minutes each (Ken Houchins and Zelda Scott).

Bunie Bros., Presba, Fellers & Presba, Chicago, for 38 announcements of 100 words each and 39 periods of five minutes each (Harold Goodman as 'Tommy Tinker').

A. A. Schneiderhahn Co., Des Moines, through Son de Regger & Brown, Des Moines, for announcements of 65 words each and for 11 periods of 15 minutes each (farm news).

Vick Chemical Co., through Morse International, New York, for 52 periods of 15 minutes each (Sunset Roundup).

Geppert Studios, Des Moines, through Coolidge Advertising, Des Moines, for 26 periods of five minutes each (Ken Houchins).

Washington, Oct. 8.

Victory for both standard and FM factions in the broadcasting industry was assured Thursday (3) by announcement that the FCC will revise its application forms as a result of idea swapping with representative industry groups. Blanks will be modified so the regulators can get 'essential information' without unnecessarily burdening applicants.

While the questions are being re-phrased and the amount of data cut down, the Commish announced that 'general answers' will be accepted in instances where 'exceptionally involved and lengthy' info now is required. If the general replies are not sufficient, further inquiry will be made.

Jim Fonda's Coast Upping

Hollywood, Oct. 8.

Jim Fonda, producer of Hedda Hopper program for Lord & Thomas, has been named supervisor of all radio shows out of the Los Angeles L & T office. Thomas Conrad Sawyer comes over from KHJ to look after the Sunkist show.

Agency has agreed to a two-weeks New York origination for the Hopper program so the columnist can visit friends and see the Broadway shows.

LET'S DISCUSS THE PRESENT BEST BUY IN ST. LOUIS RADIO

★"Let's Discuss The News"—that's the program's title. As presented daily on KMOX, by Josephine Halpin, it has become St. Louis' favorite program of news from the feminine angle.

★Let's discuss Josephine Halpin—she's the interviewer of the great and near-great; she reports present happenings; she dashes off to the Derby and Mardi Gras and to wherever news of interest to women is in the making.

★Let's discuss her record in radio—two long-time sponsors of KMOX top off a 6-year career in radio. St. Louis Dairy Company (for 3 years) and John Morrell Company (for 30 weeks) found the combination of KMOX and Mrs. Halpin to be tremendously productive.

★Let's discuss KMOX—proved by survey after survey to be far and away first among all St. Louis stations in popularity, in listeners and in dealer influence. KMOX offers, subject to prior sale, "Let's Discuss the News", now available daytime 3 or 6 times per week.

Want more details?

KMOX 50,000 WATTS • THE VOICE OF ST. LOUIS

Owned and operated by C.B.S. Represented by Radio Sales with offices in New York, Chicago, Detroit, Charlotte, N. C., San Francisco, Los Angeles.



WAGA

"The Blue Ribbon Station in the Blue Ribbon Market of the Great South!"

ATLANTA

Largest railroad center and largest telephone center in the South!

Third largest telegraph center in the World!

Third American city in air-mail volume and service, excelled only by New York and Chicago!

Over 1,800 of Nation's leading business organizations have branches in Atlanta for manufacturing or warehousing and distributing purposes!

And in Atlanta is

WAGA

with Primary Coverage figures showing

99,780

Radio Families who can and do listen to

WAGA

the NBC Blue Ribbon Station in the Blue Ribbon Market of the South!

Nationally Represented
By JOHN BLAIR & CO.

N. Y. Unchanged, But Natl. Spot Still on Upbeat With 1.6% Gain

Very little change in the Gotham picture this time. National spot business, which has poured in heavily all through the final part of summer and early fall, continues once more to exhibit a rising tendency, albeit the increase is less than 2%. Local and network units remain unchanged.

WHN: Lutheran Laymen's League, through Kelly, Stuhman & Zahradt, Inc., "The Lutheran Hour," series of weekly half-hour programs for 26 weeks; Local Loan Company, through George H. Hartman, sports talks by Jimmy Powers, 15-minute programs for 13 weeks; Mission Bell Wines, "Jimmy Powers," renewed for 14 weeks; Musterole Company, through Erwin, Wasey, station-break announcements for 26 weeks; American Writing Machine Company of New York, through Leefer Advertising Agency, 13-week contract for station-break announcements; Twin City Shellac Company (Dan-Dee Floor Polish and Dan-Dee Floor Wax), through Devine Advertising Agency, spot announcements, 50 weeks; Beecham Pills, Inc., through Atherton & Currier, Inc., 52-week contract for nine 15-minute periods weekly; Famous Furriers, through Midtown Advertising Agency, 22 quarter-hour periods weekly for 52 weeks; Empire Gold Buying, through Friend Advertising, renewed contract for 19 station-break announcements weekly; Railway Express Agency, Inc., through The Caples Company, station-break announcements, 36 spots.

WMCA: Dawn Publishers, Inc., through Blackstone Co., 52-week contract over WMCA, New York, and WIP, Philadelphia; National Home Products, Inc., "Know Yourself," character analysis program, three times weekly, 52-week contract Federation Bank and Trust Company, through Redfield-Johnstone, Inc., participation in "Rise and Shine," four-week contract; Fairmonth Creamery Company, through Plaza Advertising Agency, participation in Ida Bailey Allen's Homemakers, 52-week contract; Reid, Murdoch & Company, through Rogers and Smith, 52-week contract for 100-word announcements; Wholesale Utilities, through Klinger Advertising Corp., participation in Ida Bailey Allen's Homemakers, four-week contract; Hotel St. George, Brooklyn, renewal in "Rise and Shine" for 10 programs.

WNEW: United Television Insti-

tute, 15 minutes daily on "Music Hall," 15 minutes daily on "Dance Parade," 10 minutes on "Sunday Music Hall," 13-week contract; Atlantic Refining Company, through N. W. Ayer & Son, from two-hour games from Louisville, Ky., Newark-Louisville (Little World Series); Macfadden Publications, Inc., True Detective mysteries through Joseph Katz Company, 15 announcements weekly on "Milkman's Matinee," two weeks.

"Passing Parade," recorded tab revue for Silver Cup record (Gordon Baking) now heard over WABC, WJAF and WNEW. New York, substitutes WOR for WJAF beginning next Monday (14). It will continue over WABC and WNEW. Identical shows, with John Nesbitt, are heard the same day over the three stations. Programs are recorded on the Coast.

One of earliest-morning commercial in New York City, has been signed by WOR. It's a 6-6:30 a.m. recorded hillbilly show locally Mondays through Saturdays, starting next week (14). Talent is the Pickard family. Sponsor is Consolidated Rug Trade Products, Inc., and the agency is Benson & Dall, Chicago.

Oct. 5 Compared to Sept. 28

Network	Local	National	Total
Units	Units	Spot Units	Units
150	11,288	7,064	18,502
150	11,283	6,955	18,388
		+1.6%	+0.6%

* No change.
(Included: WHN, WMCA, WJAF, WQXR)

DES MOINES UP

National Units Off Due to B.B.—Web and Local Strong

Des Moines, Oct. 7.

National and local spot units increased rapidly last week, with drop in national spot due to end of the baseball season.

Oct. 5 Compared to Sept. 28

Network	Local	National	Total
Units	Units	Spot Units	Units
7,985	3,189	3,152	14,326
7,031	2,891	3,838	13,760
+13.6%	+10.3%	-17.9%	+4.1%

(Included: KRTN, KSO, WHO)

Des Moines—Gene Dodt, former news editor at KGGK, Scottsbluff, Neb., has joined news staff of WHO.

Local Units Zoom 10% in Salt Lake; Other Categories OK

Salt Lake City, Oct. 8.

Local business outdistanced other fields during the past week, but the general picture remains dazzling, with stations reporting the heaviest schedules in history. The past week saw the return of several "old-timers" to KSL after the summer lay-off. Biggest boost to the local boom was the Utah Power and Light contract with KSL for 26 quarter-hours, and Granite Furniture Contract for 800 fifty-word announcements.

KDYL: L. H. Strong, Hudson Dealer, 11 quarter-hour programs; Independent Coal Co., 100 tie-in announcements; Beau Brummell Cafe, 100 fifty-word announcements; Ludden's, through J. M. Mathes, 80 announcements; J. G. McDonald, Inc., 52 fifty-word announcements; Utah Nurserymen's Association, 33 fifty-word announcements; Packard Motors, through Young & Rubicam, 15 announcements.

KSL: Granite Furniture Company, 800 fifty-word announcements; Utah Power and Light Company, 26 quarter-hour programs; Beau Brummell Cafe, 104 fifty-word announcements; Spring Canyon Coal, 52 fifty-word announcements; Grant E. Hayes, Inc. (Studebaker distributor) 25-word spot series; Democratic State Committee, 10 quarter-hour programs and six 10-minute programs; Republican State Committee, series of 50-word announcements; Wm. Wise Company, through Northwest Radio, series of five-minute announcements.

Oct. 5 Compared to Sept. 28

Network	Local	National	Total
Units	Units	Spot Units	Units
6,961	2,777	604	10,342
6,591	2,519	560	9,670
+5.6%	+10.2%	+7.9%	+6.9%

(Included: KDYL, KSL, KUTA)

SAN ANTONIO BIZ SPOTTY

San Antonio, Oct. 8.

Units in all departments continue at an even pace here, with the World Series adding to network totals and week-end football games on all stations adding to the totals. Loss will be noticed next week with the three-weekly "America Looks Ahead" series with Elliott Roosevelt and "Wife vs. Secretary" dropping off of the Texas State Network.

WOAI: National Toilet Co. (Nadolinia Cosmetics), through Roche, Williams & Cunningham, one-minute once daily, Monday through Friday; renewal, Staffels Products, two per day, direct; Hinds Honey and Almond Cream (Lehn & Fink Products Co.) one announcement per day through Wm. Esty, Ex-Lax, through Joseph Katz, 44 one-minute spots from Sept. 30 to Nov. 29 and another contract for one year to be used as ordered; Mentholatum Co., one-minute spot; six per week; 52 times, through Dillard Jacobs; renewal, Plough, Inc., through Lake-Spiro-Shurman 600 announcements, seven per week. This Term Democrats, through TQN, 15 thirteen-minute programs, three per week; Walkers Austex Chile, through Crook Agency, two 25-word announcements per week; Studebaker Corp., through Roche, Williams & Cunningham, quarter-hour transactions, three per week from Sept. 28 to Oct. 21.

KONO: Participating half-hour program "Death Takes No Holiday." KABC: "Old Fashioned Revival Hour," through Mutual network; Joske Bros., one spot announcement per day in addition to sponsorship of Mutual's "Show of the Week"; "The Prize Parade," one-hour program, through Rogers-Cano on Texas State Network; Typhoon Cafe, spot announcements; Ormsby Chevrolet Co., quarter-hour studio program, direct; Home Supply Corp., 30 announcements; renewal on Pearl Beer, two announcements per day, through Pittluk Agency; World Series Games for Gillette, through Mutual; football games, through TSN for Humble Oil and Refining Co.

Oct. 5 Compared to Sept. 28

Network	Local	National	Total
Units	Units	Spot Units	Units
6,875	8,306	1,054	16,235
5,780	8,484	1,115	15,359
+18.9%	-2.2%	-5.5%	+5.7%

(Included: KABC, KMA, KONO, KTSN, WOAI)

Frisco Nets 2 More Dept. Store Programs; Total Biz Advances 10%

San Francisco, Oct. 8.

With previously-reported commercials now getting on the air, unit figures zoomed this week, although otherwise station activity held its normal pace. NBC is furthering its campaign of personal contact with the customers this week by routing its talent and various sustainers through the annual food show in Civic Auditorium, which collects a 20-cent tap at the gate.

Another assault on the department store front was scored here by

KROW with 13-week contract which takes effect this week. Quiz show dubbed Question-Air will be picked up from Sherman, Clay & Co. music department on the fourth floor of H. C. Capwell Co. in Oakland, with Bert Winn on mike. Idea is to pull afternoon shoppers to furniture-music section and stimulate store traffic. Stanza spotted 3:30 to 4 p.m. on Fridays.

KSAN is making a big issue of news, adding UP to its INS and setting up a local staff. Boys are covering police, civic and special-event beats, principally by telephone, to keep outlet covered on local spot news.

KROW's Phil Lasky was only radio exec in the bay area to take paid space in Oakland Post-Enquirer's radio-electrical supplement, laying it on the line for 60 inches of display telling why KROW is now an "exciting discovery." Copy quotes Vanuier to effect station has risen from 12th in field of 12 to top spot in indie class, and then explains why.

KSAN: Redick Newman (lumiture), through Newton, 10 one-minute spots daily, 52 weeks; Northern California Properties (real estate), 36 quarter-hours weekly, 26 weeks; Bailey Paint Products, direct, quarter-hours weekly, indef.

CHI SAUNTERS TO 1.2% GAIN

Chicago, Oct. 8.

With play-by-play baseball off for the season, four stations took a dip in national and local spot business, but most found spot and network business to fill in a good portion of this afternoon time. Also on the big hop were the night-time network bookings.

WBBM: Walton Motors, 15 minutes one-weekly, through Harold Wollen agency; United Republican Radio Campaign Committee (Illinois), two 15-minute periods weekly, through United Broadcasting agency; S. M. Franck Co., 15-minute football resume once-weekly, through E. T. Howard agency; N. Y. Ludden's Co., nine time signals weekly, through J. M. Mathes; Associated Wilkie Clubs of Illinois, series of one-minute announcements, through Sherman & Marquette.

WIND: Republican Radio Campaign Committee, 15 minutes six times weekly, through United agency; Maurice Laum, six five-minute periods, through the Malcolm Howard agency; Windsor Clothes, 15 minutes once-weekly, through Morris & Davidson; R. G. Dun Cigars, five-minute periods six times weekly, through the Century agency; Roma Wine Co., 45 announcements weekly, through the Robert Kahn agency; Pierce Medicine, 12 one-minute announcements weekly, through H. W. Kastor and Son.

WJJD: Raab Brothers Clothes, 15 minutes of football scores once-weekly, through Newby, Peron & Filtrcraft; Brunswick-Balke-Caldwell, 15 minutes once-weekly, through J. Walter Thompson; Peter Fox Brewing, 50 announcements, through Schimmer & Scott; Packard Motors, 15 announcements, through Young & Rubicam; Pierce Medicine Co., six announcements weekly, through the Kastor agency.

WGN: Nestle's Milk Products, three one-minute announcements weekly, through Leon Livingston agency, San Francisco; Salerno-Megowen Biscuit, 15-minute pre-football game broadcast once-weekly, through Schimmer & Scott; Hub Co., 30 minutes once-weekly, through Sehl agency; Ford Motor Sales, play-by-play collegiate football on Saturdays, through McCann-Erickson.

Oct. 5 Compared to Sept. 28

Network	Local	National	Total
Units	Units	Spot Units	Units
9,560	5,888	10,811	26,259
9,440	5,780	10,725	25,945
+1.3%	+1.8%	+0.8%	+1.2%

(Included: WBBM, WENT, WGN, WIND, WJJD, WLS, WMAQ)

Oct. 5 Compared to Sept. 28

Network	Local	National	Total
Units	Units	Spot Units	Units
10,620	4,398	2,131	17,149
9,190	4,355	2,014	15,562
+16%	+0.9%	+5.8%	+10.2%

(Included: KPRC, KJBS, KTO, KSFJ)

DON'T MISS PALMOLIVE'S

"HILLTOP HOUSE"

STARRING

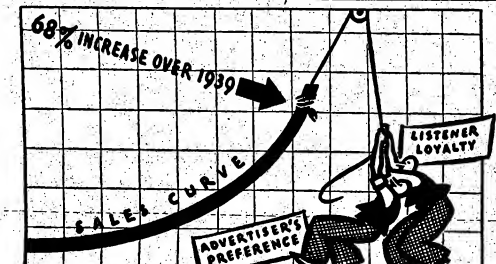
BESS JOHNSON

By Adelaide Marston

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

WABC-CBS—10:30-10:45 A.M., EST
78 Stations Coast-to-Coast

Direction BENTON & BOWLES, Inc.
Management ED WOLF, RKO BUILDING, New York



ALLE-E-Z.

OOP

goes WSAI's sales volume. For example, in 1938, during time-change week, WSAI's business totalled 88 quarter hours. In 1939, same week, it rose to 178. And THIS year WSAI's total quarter hours jumped 68% over last year, making WSAI second only to WLW in Cincinnati in total business.

WSAI

CINCINNATI'S OWN STATION

Represented by International Radio Sales



BALTO UP 8.5% VIA WEB SKEDS

Baltimore, Oct. 8. New network shows sending that classification up all around here and local and national spot count holding its own. WBAL, experimenting with programs aimed to attract radio time from concerns having no direct sales appeal but possibly interested in institutional angle has successfully planted a five-minute 'Safety Talk,' emanating from the Maryland Commissioner of Motor Vehicles under commercial sponsorship. Station sold Md. Trust Co., McLean Co., Jackson Co., Rice's Bakery, Morton Outdoor Adv. Co. and Flynn & Emerich Engineering Co. on tieup, with other unorthodox radio prospects on top for subsequent airings.

Considerable interest aroused via first major purchase of time by giant market with the Food Fair, pioneers in super food set-up here, going on WCBM for daily 15-minute a.m. variety show Oct. 14. Placed through the Newhoff Agency (local). WCBM, which is carrying the Rice's Series through Mutual, sold before and after spots to Arrow Beer through Joseph Katz, but made a last minute switch to Wonder Clothes (men's) handled by same agency.

Bulova Watch, pointing toward Xmas trade, upped its spot coverage over WFBR with 13 additional night time spots through Biow.

WBAL: Chesapeake Cadillac Co., 24 spots; Kirkman & Son, 39 hundred-word spots through N. W. Ayer; The Hub Dept. Store, three 75-word announcements via Louis Shechter; Rev. Wm. G. Detweiler (Mennonite) 52 half hour Saturday p.m. shows; Ex-Lax, through Joseph Katz, 301 one-minute spots; National Premium Beer, renewed 364 quarter-hour 'Sports Parade' via D. Stuart Webb; Jos. M. Zamolski (Philco distrib.), 156 thirty-five-word spots through Harry J. Paiz Co., Railway Express Agency, 36 spots placed by The Caples Co., Motor Sales Co., seven 75-word spots through Harry J. Kaufman Co.

WCAU: Luden, four spots a week for 20 weeks, through J. M. Mathes; Phila. Reading Coal & Iron Co., two weekly spots for 26 weeks via McKee & Albright; Chrysler Corp. (DeSoto) 30 spots from Oct. 3 to Nov. 1, WFBP; Atlantic Redding, through N. W. Ayer, contracted for nine play-by-play college football games; P. J. Ritter (food canners) 25 quarter-hour a.m. 'Ritter Pantry Party' through Clements Co., Phila.; Grove's Bromo Quinine, 132 five-minute 11 p.m. news casts through J. Walter Thompson; Phila. Reading Coal & Iron Co., through McKee & Albright, 26 night time announcements; Fliso Co. (cough syrup) top participation on Ralph Powers early morning 'Varieties' for 20 weeks through Lake, Spiro & Shurman; Chase & Sanborn, via J. Walter Thompson, 176 daytime spots and 44 p.m. chain breaks; Hinds Honey & Almond Cream, through Wm. Esty, 18 early morning spots and 34 daytime announcements; National Premium Beer, 13 half-hour spelling bees directed by Raymond Tompkins and placed by D. Stuart Webb; Old Gold, starting Oct. 22, through Lennen & Mitchell, 26 quarter-hour transmissions.

Oct. 5 Compared to Sept. 28
Network Local National Total
Units Units Spot Units Units
8,855 4,702 1,990 15,547
7,425 4,702 2,180 14,324
+19.3% -0.4% +17.1% +7%
(Included: WBAL, WCAU, WCBM, WFBP)

Schenectady's Local Biz
Schenectady, N. Y., Oct. 8. Morris Plan Industrial Bank of Schenectady has started a half-hour transcribed musicale over WGY, Schenectady, through Leighton & Nelson. Chief Markets (for WGY Brand Foods) has taken time for two quarter-hour morning programs weekly on WGY, through Leighton & Nelson.

Carl Company (Schenectady department store) purchased time, via same agency, for a 15-minute once weekly shot, 'A Woman's World,' Runs 13 weeks.

N.A.B. Cites Its Calendar of Events

Neville Miller, Continuing Use of These Columns, Calls Paine's Facts Wrong

Editor, VARIETY:
Washington, Oct. 5.

In a letter signed by John G. Paine on behalf of ASCAP and printed in the Sept. 25th issue of VARIETY, Mr. Paine challenges the accuracy of a number of statements made by me and by others on behalf of the National Association of Broadcasters and on behalf of Broadcast Music, Inc. I think that this letter requires further comment.

Mr. Paine gives a garbled account of what he terms 'negotiations' between ASCAP and the broadcasting industry. These are the facts:

In February, 1939, I took the initiative and called on Gene Buck in order to ask him whether we could discuss with ASCAP the terms of a new contract. Since Mr. Buck indicated that such discussions might take place, I immediately appointed a Copyright Committee of 12 broadcasters representing a cross section of the industry, and this committee met in New York on March 20 and 21, 1939, and appointed a sub-committee authorized to commence immediate negotiations with ASCAP. The resolution appointing such committee, of which ASCAP was given notice, provided that:

'Such negotiations shall be predicated on the principle of paying royalties on only that revenue derived from the sale of time for programs involving the use of ASCAP catalogs.'

On March 28th the Negotiating Committee, which consisted of Walter J. Damm, John Elmer, Edward Klauber, Lenox Lohr, Samuel R. Rosenbaum, John Shepard, III, and myself as chairman, called upon Messrs. Buck, Frolich and Paine and told them that the N.A.B. had instructed the committee to attempt to obtain ASCAP's terms by May 31st so that a report thereon could be made at the annual convention on July 10th in Atlantic City for the information of the entire industry.

REFUSAL OF N.A.B. PRINCIPLE

ASCAP representatives indicated that they would not accept the broadcasters' principle that payment should be made only on programs which use ASCAP music, and also stated that they wanted vastly increased revenues from the industry. They agreed, however, to present the matter to the entire ASCAP Board and to report back to the representatives of the broadcasting industry. Following the next meeting of the ASCAP Board, therefore, we again met with Messrs. Buck, Paine, and Frolich and found, to our disappointment, that the matter had not been presented to the ASCAP Board. After further discussion, the ASCAP representatives again agreed to lay the matter before the ASCAP Board, and on July 8th reported that the matter had been taken up with the ASCAP Board, but that we would have no answer of any kind because the ASCAP Board wanted to gather more information before they took action or stated terms. We pointed out at that time that the N.A.B. convention was scheduled for July 10th and that the broadcasters' representatives had to make some report to the industry at this convention. Mr. Paine said that he could not gather the information desired by the ASCAP Board in time, but that the two committees could meet again in August.

DO NOT AGREE WITH AUDITOR

In his letter, Mr. Paine says that I had a conversation with him and with the controller of ASCAP at which I concluded that a 'per program' or 'per use' method of charge was uneconomic and that I 'so stated.' This is untrue. I did meet Mr. Hoffman during the period prior to the July, 1939, broadcasting convention, and was told by Mr. Hoffman that the cost of a 'per use' contract would be enormous and that such a plan was out of the question. I was unable, however, to secure any detailed information, and although Mr. Paine and Mr. Hoffman were courteous, they were evasive and I certainly did not agree with their conclusions. The best refutation of Mr. Paine's contention that I had abandoned the 'per use' doctrine, which I believe to be both sound and desirable, is contained in ASCAP's own letter of March 21, 1940, which promulgated the conclusions of ASCAP's special Radio Committee and said:

'The committee gave consideration to the "per program" basis among others, but after an exhaustive analysis thereof found that it was uneconomic and unsatisfactory to adopt the same.'

People do not give consideration or make exhaustive analysis of proposals which have been withdrawn, and the fact that ASCAP in March of 1940, found it necessary to reject the 'per program' basis is conclusive evidence that neither I nor any other responsible representative of the broadcasters had ever withdrawn their request. The fact is that ASCAP rejects the 'per use' basis not because it would be expensive to broadcast but because it would tend to distribute the money paid by broadcasters for music among the people who really supply the music, and thus break ASCAP's monopoly.

N. A. B. WENT EMPTY-HANDED

The Negotiating Committee was, as a result of these ASCAP tactics, compelled to go to the July, 1939, Broadcasters' Convention, at Atlantic City, empty handed, reporting only that ASCAP had agreed to appoint a committee and to commence actual negotiations during the following month. The broadcasters, at their convention, made it clear that they did not want to be 'stalled' again, and instructed the committee to press for negotiations, and if ASCAP continued to refuse to state its terms, to call a special convention in September of the same year.

On July 13th the ASCAP Board authorized the appointment of a special Radio Committee, to work with Messrs. Buck and Paine in devising new terms to be proposed to the broadcasters, and this gave the broadcasting Negotiating Committee real hope that we would obtain an answer. When I forwarded Mr. Paine a copy of the resolution adopted at our convention and re-

quested that date be set for our meeting, however, Mr. Paine replied on July 21, 1939:

'I question very much whether we are going to be ready on the first of August, but I can assure you that we are moving ahead very nicely. We had a special meeting of the Board, the report of which, in one fashion or another, is set out in the last issue of VARIETY; and at that meeting a committee was authorized by the directors to work out a definite proposal which we can make to the broadcasting industry. While we have had several meetings, we have not as yet been able to arrive at a meeting of the minds on several phases of the new proposals within our own committee, but I think I can report to you that we have made and are making substantial progress.'

DISCOURTESY TO BROADCASTERS

I continued to seek a date for a meeting and Aug. 3d was agreed upon with Mr. Paine. The members of the N.A.B. Committee dropped their work in Milwaukee, Boston, Washington, Baltimore, and Philadelphia, and assembled in New York at the appointed time. Mr. Paine arrived at the place of meeting, late and alone, to report only that he had nothing to report. Mr. Frolich was in court. Mr. Buck had gone on a vacation in California, and Mr. Paine did not know when he would return. Mr. Buck had not found time to appoint the special Radio Committee authorized by the ASCAP Board three weeks earlier, and Mr. Paine did not know when Mr. Buck would get around to appointing it. Such action constituted a clear refusal to negotiate, and could not be construed in any other light.

Negotiation means something more than willingness to allow somebody to come into your office to talk. Up to July 12th, 1939, we had had five months of stalling, but nothing that could be called 'negotiation.' Instead of evidence of a desire to negotiate, there was only evidence of a desire to avoid negotiation until such time as dictation by ASCAP would become possible. We could construe in no other way the failure by ASCAP officials to appoint a committee after it had been authorized to do so by the ASCAP Board. The N.A.B. Negotiating Committee has never met with the special Radio Committee ultimately appointed by ASCAP. We have never received notice that such a committee was appointed, and our first knowledge as to the results of such a committee came to us on March 21, 1940, when the ASCAP announced the results of its committee's one-sided deliberations.

RE: ED KLAUBER'S WALK

Mr. Paine, in his letter, says: '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 committee, to hear and discuss the formula that we had prepared.' That statement is untrue. Only a few members of the N.A.B. Negotiating Committee were present. Despite the fact that I was and still am the chairman of that committee, I was not invited. Mr. Edward Klauber of CBS wrote Mr. Paine on March 15, 1940, requesting that I should by all means be invited to this meeting, and other persons who had been invited to make similar requests. Mr. Paine has attempted to make capital of the fact that Mr. Klauber 'walked out' of the meeting at which ASCAP stated its self-determined formula to a group of broadcasters selected by ASCAP. Mr. Klauber had made his position perfectly clear before the meeting. He had indicated that since he was a member of a Negotiating Committee invited by the industry to discuss terms with ASCAP, he did not feel that he was free to act as part of another group which ASCAP had selected, in the absence of the committee of which he formed a part. His withdrawal from the meeting, therefore, was not a discourtesy to ASCAP, but an indication of fidelity to the industry. That not much room for negotiation had been left by ASCAP on March 21, 1940, is evidenced by the fact that the proposal which was laid before ASCAP's invited guests on that day was already in multigraphed form and went out to the industry and to the press on the very day of the meeting.

The nearest that ASCAP has come to an offer of negotiation was Mr. Paine's suggestion that he be invited to address the N.A.B. Convention at its annual meeting in San Francisco this year. This request was received long after the final program had been made up. Despite this, however, it is not much of a move toward negotiation to offer to make a speech to a national convention. We have never been invited to ASCAP's annual meetings, and have never expected requested such an invitation.

Among the misstatements in Mr. Paine's letter is that the N.A.B. Committee wished ASCAP to fix a stated amount which the N.A.B. would allocate among various radio stations in the United States. No such proposal was ever made. A member of the N.A.B. Committee, in a vain attempt to ascertain what figure ASCAP had in mind, suggested that ASCAP state the figure first and negotiate the basis of distribution of charge afterwards, and this request for information was refused.

Mr. Paine's misrepresentation of the broadcasters' constant efforts to obtain negotiation and ASCAP's constant frustration of that effort is matched by his misrepresentation of a number of other points of varying importance. Mr. Paine opens his letter by saying that, 'the chains control, through contract, 85% of the dollar volume of the radio business.' In answer to this misstatement, I can only refer persons sufficiently interested to the Federal Communications Commission's table of broadcasters' income (published July 23, 1940, and printed by VARIETY in its issue of July 24, 1940), which indicates that the network payments to stations plus amounts retained by networks from sale of network time equals less than 50% of the industry's income from time sale. If Mr. Paine's figures were correct, the 500 to 600% increase which ASCAP is demanding from networks would result in a sum payable by the broadcasting industry far higher than the \$9,000,000 to \$10,000,000 estimate of ASCAP's demands (Continued on page 54)

L. A. NATIONAL SPOT RISES BY 17.1%

Los Angeles, Oct. 8. Those contracts that have been piling up for the past few weeks are beginning to show up in the weekly unit count. Last week's increase was a neat 7%, the best gain in many weeks.

KFI-KECA cut themselves the biggest slice of business of the past week, KFI marking off 313 quarter-hours for Thrifty Drug's new analysts, Jose Rodriguez and Sidney Sutherland, and KECA blocking out 312 quarter-hour newscasts for Brooks clothing. Latter biz was placed by Stodel Adv., while Milton Weinberg negotiated the time purchase for Thrifty. Other KFI business included 124 spots for Beeches, through Newell-Emmett; 150 quarter-hour transmissions of 'Jack Armstrong,' for General Mills, through Westco agency; 135 spots for Baume & Mercier, through William Esty; seven quarter-hour political programs, for John Dockweiler, through Milton Weinberg.

KECA picked up 10 quarter-hour political talks for Dockweiler, through Milton Weinberg; 312 quarter-hour newscasts for Supreme Bakery, through Olan Adv.; four quarter-hour broadcasts of 'Uncle Dan's Quiz' for Kerwin food products; 13 quarter-hour broadcasts of 'The Guest Book for Taxation Service,' through Smith & Drum; 91 spots for Beeches, through Newell-Emmett; 86 one-minute transmissions for White Laboratories ('Chooz'), through H. W. Kastor; 260 spots for Investment Service, through D'Evelyn & Wadsworth.

KKN: 156 weather reports for Campbell Cereal, through H. W. Kastor; 60 participations in Fletcher Wiley combination for Morton Salt, through Blackett-Sample-Hummert; seven quarter-hour political talks for John Dockweiler, through Milton Weinberg; 20 time signals for Langendorf Bakeries, through Leon Livingston.

KHJ: 39 quarter-hour programs for Adolph Milk, through Lord & Thomas; 52 half-hour programs for Feenamint, through William Esty; 65 spots for Lydia Pinkham, through Erwin-Wasey; 14 spots for Quaker Oats, through Mitchell; 20 participations in Norma Young's 'Happy Homes' for Safeway stores, through J. Walter Thompson.

KFWB: 130 spots for P. Ballentine, through J. Walter Thompson; 312 quarter-hour newscasts for Budget Finance, through Robert Dennis; 520 spots for W. B. Caldwell, through Sherman & Marquette.

Oct. 5 Compared to Sept. 28				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
11,017	10,854	2,312	24,183	
9,922	10,708	1,974	22,604	
+11%	+1.4%	+17.1%	+7%	
(Included: KECA, KFI, KFWB, KHJ, KKN)				

BEERS UNACCEPTABLE

Dodge and Ford Dealers Sponsor Football Instead

St. Louis, Oct. 8. With beer and whiskey barred as bankrollees, two local stations have lined up other sponsors for gridiron games. KMOX, with a sked of 10 games has secured sponsorship from Ford dealers. WLL's broadcast of all contests played by the St. Louis and Washington universities (local colleges) is being bankrolled by the Dodge Dealers of Greater St. Louis.

None of the other local stations has found sponsors. Hyde Park Brewing and Columbia Brewing, which have innumerable spots programs over several stations, are barred by the university faculties who won't stand for alcohol tieups. The colleges exact a cap of \$150 per each game, commercially sponsored, and \$50 for students.

Sponsor Newlywed Show

Buffalo, Oct. 8. Kobler & Miller, furniture store, backing quick series on WKWB of would-be newlyweds from City Hall marriage license bureau. Clinton Buehlman makes three mornings a week.

3 Class Spots Reopen Their N.Y. Seasons in New Garb at Old Stands

Last week saw three class New York niteries back in business at the same old-stands with a new facelift and hair-do. The St. Regis hotel's Iridium Room is full ice-minded and again Dorothy Lewis is quite a glamor gal on skates, in a brisk little revuette which, however, has been hooverized a bit in that the girls are missing. But, paradoxically, they're not missed.

Felix (Fefe) Ferry's Monte Carlo, still an eye-fall class boite, decorated by Dorothy Draper like something out of Hollywood, feel likewise. It has taken a slight cut, relying solely on its two bands and the customers to make merry. Ted Straeter's crack team of 10 holds over, and justifiably, with the maestro conducting from the Steinway, while the Valero Sisters (2) make for a touch of s.a. as they head the congarumba combo of six. The Valeros handle the maracas and clavas and are more at ease here than when spotted this summer in Monte Proser's Zombie joint out at the N. Y. World's Fairgrounds. The sisters long will be in the helm of their combo and the band more than suffices as the alternate unit.

Third class spot reopening for the season is Herbert Jacoby's Ruben Bleu which has a new, better, more flashy. Spot reopened with three standby turns in the persons of Paula Lawrence, a broad comedienne with saucy, funny, carry rules "sophisticated" in cafe circles; Caspar Reardon, virtuoso swinging the harp, a novelty; and Vera Sanoff, a photogenic chanteuse of French and English torches. Jacoby had her last season at his Brevoort Supper Club in Greenwich Village. Tana, a Spanish singer, is due to come in later.

Incidentally, both Jacoby and Ferry had more than a preliminary last night (Tuesday) when the former reopened his Brevoort with Virginia Morley-Livingston Gearhart, June Sillman and Grace Faughn, while Ferry brought in the same into his other spot, the Cafe Pierre in the Hotel Pierre. Miss Barchie succeeded Milli Monti. Like Jacoby who doubles in both places, carry rules between the Pierre and Monte Carlo. The St. Regis' ice show is in line with the cycle of Arctic entertainment in and around New York this season. The Hotel New Yorker has an ice show current; "It Happens on Ice" inaugurates the Center in Radio City as America's first "ice theatre" tomorrow (Thursday). Sonia Henie, co-producer of the Center show, is due into the Garden soon with her annual ice revue, "Ice Accidents," another lavish rink presentation.

Gustav Lunde, the famous staging job at the St. Regis, with only five people, all principals. The personable Heasley Twins, Bob and Jack, like Dorothy Lewis, are holdovers, alternating with Bill and Betty Wade, newcomers here, who open with an expert tango, followed by the Heasleys' "Me and My Shadow," and thence into "American Rhapsody" (Morton Gould), sock specialty by Dorothy Lewis. She then does a showmanly routine with the twins, "I Dream Too Much," used by the quintet in an ensemble routine. Per usual, the miniature ice rink slides out from underneath the banquettes to cover the dance-floor, and the brisk 30-minute revuette makes for the proper interlude here. Hal Saunders' dancers are the No. 1 band brought down from the roof, in itself a departure. The managing director Gaston Laurysen has never done that before. Gus Martel's rumba band gives out with the Latin legs. Cter is \$1.50 and \$2.00 on Saturday, and \$1.00 for dinner guests, but the ala carte scale is pretty fancy.

Monte Carlo has dropped its cover, which was a gag anyway, in favor of an upped wine list, and there's a \$1.50 and \$2 minimum at Le Ruban Bleu.

GLEN ISLAND CASINO (NEW ROCHELLE, N. Y.)

New Rochelle, Oct. 6.
Gene Krupa Orch with Irene Doye, Howard Dulaney.

After many years of plans for re-opening longer than the customary summer season, Glen Island Casino teed up such a policy last Wednesday (2) that Gene Krupa and Bobby Byrne's new group, current at the Strand theatre, N. Y., had completed the day before a date which had kept it there since last May 15. How long the policy will maintain probably will depend on the weather. Built along the shoreline, the Casino is a large, many-windowed spot, undoubtedly a tough proposition to heat in any severe winter weather. However, that problem won't be anything to worry about for a couple of months at least. When caught, Friday (4), temperatures are about average for a full night and the room was comfortable. It seats about 900 normally, but 1,000 can be handled. Krupa's band is a wise selection to start the post-season swing. His

band seems particularly appealing to the younger set at the moment, in view of the business it drew to the Dining Campus at the New York World's Fair, just prior to this date. And that set was very much in evidence among the approximately 500-odd turnout when caught. Band itself is a crack aggregation, with few faults. It's loud here, but that apparently is what G. I. patrons demand. None seemed discomfited. However, for those who like the soft stuff, the group is well able to turn out appealing ballads, well played in comparison to the style of slower tempos the band used at one time. Composed of a bristly clean sax section that sounds as if it was played by one man instead of four, solid four rhythm based by Krupa's topnotch drumming and a brass lay-out of seven, the band pushes out tunes with brimming enthusiasm.

Only drawback and it's hardly noticeable, is in the four trumpets. At higher pitches they don't seem to blend, producing an occasional uncomfortable effect. Rest of the brass, three trombones, are smooth. Irene Doye and Howard Dulaney, vocalists, rank high among singers. Sweet or swing, they're easy to take. Wood.

BLUE ROOM, N. O. (HOTEL ROOSEVELT)

New Orleans, Oct. 6.

Ted Lewis Orch, Tell Sisters, Geraldine Ross, Kay, Katya, Jeanne Blanche, Joan Woods and Charlie "Snoball" Whittier.

After being dark since Labor Day, the Blue Room, town's swankiest niterie, reopened Thursday (3), with Ted Lewis and band headlining a top-notch show.

The room has been completely done over into a neat, modernistic adaptation of an old theme. Gone are the Hawaiian huts, the palm trees and coconuts, etc. Capricious crowd roared their palms hard and long for Lewis, who's still a master showman. He brings a first-rate band and a show of capable entertainers to sell smartly, and "everybody's happy."

Floor show, which whips along at a fast tempo, has harmony, variety and rhythm, plus cohesion. Lewis seems to take delight in referring to his gestures as "harmony" and "music as corn." But the south has always liked its pork sausage and grits, and definitely New Orleans likes Lewis.

Leader and his crew repeat their familiar tunes and much of the old stage bits, and they do it in a way that makes the fare seem new. A bit of embellishment and variation here and there helps nicely. What is lacking most is a little more comedy. There is a little too much dancing.

There's a nostalgic tinge to everything Lewis does, and he dominates the show from start to finish, from the "Louis Blues" until he croons "Somebody Loves Me" while tap dancer Joan Woods marks the rhythm with cleated shoes.

Charlie "Snoball" Whittier still tops the talent list and brings down the house with his imitations of Lewis and his impressions of Bill Robinson. Hipshot of the show is the dancing of "Me and My Shadow" number by Lewis and Whittier. They got big returns.

Maestro parades group of femme lookers in show. The Tell Sisters, harmony trio, catch the ear and eye. Gals sing with band and double in show, climaxing their act with nifty version of "Dinah." Geraldine Ross, tall, willowy blonde, who sings while scratching and pulling down her girdle, got little response from the first nighter until she displayed skill with an acrobatic dance. She was called back for encores and oblige with a burlesque striptease that got plenty of laughs.

Kay, Katya and Kay, two men and a girl, combine the grace of a ball room routine with the vigor of adagio dancing. They have class and an extensive repertoire and everything they do is smart and graceful. Jeanne Blanche, looker with nifty chassis, does contortionist and acrobatic dance while Lewis caresses the mike with "Isn't She a Lovely Thing?" She comes back to do tap dance which won her added applause.

Layout closes with torrid conga number featuring entire talent list, with Lewis and Whittier tossing out peanuts and the dancers to the tune of "The Peanut Vendor."

Band played for dancing before and after show and kept the tables emptied and dance floor crowded all evening. Luzzu.

Jack Mills and his band from Detroit Lakes, Minn., at the Triton Ballroom, Regina, Sept. 27, drew 200 couple, at \$1.25 per pair. Band played the following night at the Clavert Saskatoon, under Cara Amica and Lions Club auspices.

Orchestral Romance Links Marion Hutton, J. Philbin

Marion Hutton, vocalist with the Glenn Miller orchestra, and Jack Philbin, personal manager in New York of the Johnny Long band and others, were married Sept. 30 in Baltimore. Pair were spotted at St. Ignatius Church there.

Miller's band opened at the Pennsylvania hotel, New York, Monday (7).

BARNET SUES COAST DANCERY FOR FIRE LOSS

Los Angeles, Oct. 8. Charles Barnett, orchestra leader, filed suit for \$39,000 in superior court against the owners of the Palomar ballroom, destroyed by fire last winter.

Action, brought by Barnett on his own behalf and that of 14 musicians, covers the loss of instruments and library ruined in the blaze. Amusement Enterprises, Inc., is named as defendant.

On The Upbeat

Don Juan Rodrigo's orchestra into the Club Chanticleer, Madison, Wis.

Phil Harris and his crew moved back into Los Angeles Wilshire Bowl after 14 weeks on the summer circuit.

Bob Wills and his Texas Playboys are dishing up the music for "Oklahoma Bound" at Monogram.

Matty Malneck's orchestra set for a musical featurette at Universal.

Bunny Berigan's new band gets its first stand of any length at Chatterbox, Mountaineer, N. J. Opens for two weeks Oct. 17.

Jimmy Blake, Tommy Dorsey trumpeter who collapsed a lung several weeks ago, out of John Hopkins hospital, Baltimore. He'll go to Coast to meet the Dorsey band, but will not play for three or four months at the least. Dorsey opens at the Palladium, Los Angeles, Oct. 31.

Charlie Barnett increased his brass section to eight, four trombones and four trumpets, with the addition of trombonist-singer Fred Leary from Larry Clinton's band. Few bards in the biz have such a large brass layout exclusive of leader. Tommy Dorsey and Glenn Miller have, but that includes their own trombones.

Cal Schrum and his Rhythm Ringers signed for "Under Western Skies."

Kay Kyser leads his orchestra to New York next Thursday (17) to open at the Waldorf.

Trudy Gorman, former Pittsburgh girl, is vocalist with Teddy King at Yacht Club, Pitt.

Artists Service at KDKA, Pittsburgh, booking Bernie Armstrong and his studio staff band for one night dance stands throughout tri-state area.

Jolly Friars succeeded Three Sons at Peter Stuyvesant Room, Buffalo.

Ben Bernie opens three-day stand Thursday (10) at Batavia Downs race track, Batavia, N.Y., following George Hall.

Dick Kuhn's replacement at Hotel Statler, Buffalo, is Wanda and Her Escorts. Kuhn's orch left for Hotel Astor, New York.

Roy Fritton band now at Hotel Clifton, Niagara Falls, N.Y.

Coleman Hawkins' English estate in use as British Army hospital. It's situated in the London suburbs.

Leonard Feather collecting all star band for eight sides to be cut with W. C. Handy tunes for a Columbia Record album.

Carmen Cavallaro follows Eddie LeBaron into the La Conga, New York, Oct. 16.

Norm Lehman, first trumpet with Sam Hillier's Hotel Saskatchewan orchestra, has been replaced by Canadian army. He was replaced by Cal Steele.

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 On Date
Eddy Duchin.....	Waldorf (500; \$1-\$1.50).....	4	1,100	5,400
Ray Heatherton.....	Biltmore (300; \$1-\$1.50).....	2	225	725
Woody Herman.....	New Yorker (400; 75c-\$1.50).....	8	2,150	16,250
Ray Kinney.....	Lexington (300; \$1-\$1.50).....	21	1,050	9,545
Guy Lombardo.....	Roosevelt (500; \$1-\$1.50).....	0	750	750
Russ Morgan.....	Pennsylvania (500; 75c-\$1.50).....	8	1,525	26,875
Tony Pastor.....	Lincoln (225; 75c-\$1.50).....	1	525	925

* Asterisks indicate a supporting floor show, although the band is the major draw. 13 days.

15 Best Sheet Music Sellers

(Week ending Oct. 5, 1940)

Blueberry Hill.....	Chappell
God Bless America.....	Berlin
Trade Winds.....	Harms
Maybe.....	Robbins
I'll Never Smile Again.....	Sun.
"Only Forever" (Rhythm on the River).....	Santly
Shout, I Am an American.....	Mercer
When the Swallows Come Back.....	Witmark
Crosstown.....	Shapiro
Sierra Sue.....	Shapiro
Ferryboat Serenade.....	Robbins
"Our Love Affair" (Strike Up the Band).....	Feist
"I'm Nobody's Baby" (Andy Hardy Meets Deb).....	Feist
Can't Get Indiana Off My Mind.....	Santly
Practice Makes Perfect.....	BMI

Film Musical

Airlines

Continued from page 2.

seats out of a 14-passenger transport. A boss stall was installed. TWA had to get a new license as the DC-2 wasn't licensed by the CAB for hosing-carrying—and after the job, the remodeling and fixing, a new licensing application will have to be made. Rumor is the jaunt price tag was \$3,400.

Conspirators

Garson Kanin and John Garfield, young men of Hollywood, are cooking something, but they aren't doing much talking about it.

Ralph Bellamy alighted from the same Mercury, and said he was in town for vacation. He was met by his wife. The Bellamys said they would headquarter at the Lombardy, and the two plotters said Hampshire House would get their patronage.

Lookers

Mrs. Alfred Hitchcock strolled the Observation Deck at the field Monday, just like any goggleer from the sticks. With her were mother and sister who arrived from England a few days before, to meet whom Mr. H. had flown east aboard the STWAtoliner. The director's wife said she and her family would set out for the Coast Friday by train, because her mother was a trifle uncertain about whether she would enjoy flying.

Biz

Eloquent evidence of the b.o. enjoyed by the Hotel New Yorker's concessions, the Kitty Hawk Room and Aviation Terrace Restaurant, at the airport, was new policy introduced, last Saturday night. Jay Coe has renamed his band, Jay Coe and his Coe-Pilots and they play from 7 p.m. to 3 a.m. in the Terrace, instead of doing the late half of the night trick in the Kitty Hawk Bar.

New band, Jan Craig and his orchestra, are taking over the dance assignment in the Hawk from 10 p.m. to 3 a.m. The crowds drawn by the floor show now justify two bands.

Back from a tough job as corporal in the artillery corps of the French army, Gilbert Mandelk came in on the Yankee Clipper last week.

Dan Topping and his bride, Sonja Henie, went hopping out to Pittsburgh on a TWA Douglas transport for the opening game between Topping's Dodgers and the Steelers.

Lynn Bari and Walter Kane were aboard Wednesday night's crack TWAer to the Coast.

Lucille Watson and L. Friedman had seats aboard the straitliner that lifted for the continental run last Saturday night. The same night Joe Connolly, the Hearst exec, flew in from Chicago, and Gall Patrick landed a short while later. Singing TWA TWA; Gus Schirmer, the tune-publisher, departed for California on the straitliner early last week.

Byrne Forced to Take A Cut—Appendectomy—Ahead of His Schedule

Bandleader Bobby Byrne was scheduled to undergo an operation for the removal of an infected appendix this morning (Wednesday) at Post-Graduate hospital, New York. He entered the hospital about midnight last night (Tues.) after completing a painful day at the house with a doctor always in attendance. Band remains at the theatre with guest maestros until Oct. 17, the end of its called-for stretch.

Hospitalization will force Byrne to defer for a week at least his scheduled Oct. 22 opening at Meadowbrook, Cedar Grove, N. J. Leader at first intended waiting until after the Meadowbrook date to have the appendix snipped, but it was deemed wiser not to take any chances and have the job done immediately.

Same trouble almost forced Byrne off the stand at Glen Island Casino, New Rochelle, N. Y., early this summer, only a few weeks after the band started a long summer stay there. Thing was frozen then and didn't bother him any until now.

Band Bookings

Claude Hopkins, Oct. 18, Apollo theatre, New York.

Ted Lewis, Nov. 8, Metropolitan theatre, Boston; 16, week, Majestic theatre, San Antonio, Tex.; 23, Majestic theatre, Dallas.

Ray Noble, Nov. 18, Coliseum, Cedar Rapids, Iowa.

Bobby Byrne, Nov. 29, Palace theatre, Cleveland.

Will Bradley, Oct. 25, U. of Pittsburgh; Nov. 2, Penn A. C., Philadelphia; Nov. 8-8, Duke U., Durham, N. C.

Henry Busse, Oct. 28-31, Warner studios, Hollywood, Calif.

Del Courtney, Oct. 27, Highland Park Casino, Quincy, Ill.; Nov. 8, St. Mary College, St. Mary of Woods, Indiana; Nov. 20, Taylor's Inn, Po-ta-ue, Okla.

Ben Outler, Nov. 1, one night, Waldorf hotel, New York.

Al Donahue, Oct. 30, Mayfair club, Atlanta, Ga.

Duke Ellington, Oct. 31, Aud., Columbus, Ga.

Ted Lewis, Nov. 5, Hangar, San Angelo, Texas.

Boyd Raeburn, Oct. 19, Edgewater Golf club, Chicago; Nov. 29, Municipal Aud., Burlington, Iowa.

Cats & Fiddle, Oct. 11, four weeks, 20th Century club, Philadelphia.

Count Basie, Oct. 13, Crystal Caverns, Strassburg, Va.; 14, Memorial Aud., Raleigh, N. C.; 15, Mosque Aud., Richmond, Va.; 16, Mercantile Hall, Philadelphia.

URGE ASCAP-N.A.B. HUDDLE

Bands Under Oberstein's Contract Restless at Delays In Recording; Company In An Odd Predicament

Various orchestras tied to recording contracts with the U. S. Record Co. are squawking about the inaction of that outfit, claiming that the apparent inability of the company to get going and assign some recording dates is hurting them immeasurably. U. S. filed a petition in bankruptcy Sept. 3 under Chapter 10 of the Chandler Act and at that time asked the court to rule that its present agreements with bands hold good.

Band leaders are not against their contracts being declared valid, but they are rebelling against being tied up to a recording company that is not recording and which has given most of them no indication of when it will resume operations. Some are not in a position to broadcast and without wires, or records available, they feel that their popularity is being harmed or progress retarded.

Oberstein Explains

Eli Oberstein states that he resumed recording last week, having completed deals with Griff Williams' outfit and Joe Rines. He adds that until the situation between his New York recording outfit and the Scranton, Pa., factory which pressed his stuff is straightened out he doesn't want to record. For one thing, he says, he doesn't want to record bands when there is no money available with which to pay them.

Goes on to explain that the new money mentioned at the time the petition for reorganization was filed was ready any time, but it was available only on one condition. Backer will open the strings if and when the New York and Scranton ends become one outfit, instead of two separate organizations as they are now.

Immediately after U. S. temporarily sunk itself under the Chandler Act it notified the other recording companies not to attempt to sign any of its bands, also giving notice to the bands in question that their contracts held good. Outfit recording for the company at the time of the fall were: Jack Teagarden, Johnny Messner, Johnny Green, Lou Breese, Will Osborne, Harry James, Griff Williams, Sammy Kaye, and others. Kaye has since returned to Victor.

STATION USES ONLY NON-ASCAP FOR WEEK

Rochester, N. Y., Oct. 8. WHEC used public domain or Broadcast Music, Inc., numbers exclusively last week in locally-produced musical programs. Calling it BMI Week at WHEC, newspaper ad blurb: "Many of the songs the whole nation is singing and to which it is dancing these days."

Ken Sparrow's string orchestra playing daily at 6:45 p.m. and his Streamliners, aired nightly from Hotel Seneca, confined efforts to BMI versions, including "Anywhere, 'Accidentally on Purpose,' 'That's You, That's Me,' 'All I Desire,' 'There I Go,' 'My Prayers Were Answered,' 'Jerry Vogt, staff organist, also using only BMI numbers, played 'Window Wishing on Fifth Avenue,' 'Because of You,' 'Cielito Lindo,' and 'Shining Hour.'"

WHEC has been using about 50% BMI music for some time.

Eddy Howard's Switch

Eddy Howard, Columbia Record soloist and former vocalist with Dick Jurgens, changed his spots last week and switched from sweet to swing. Usually a ballad artist, he cut four sides in hop tempo with a band led by Teddy Wilson. "Stardust" and "Exactly Like You" served. Band was composed of Wilson at piano; Yank Porter, drums; Beniny Morten, trombone; Charley Christians, guitar, and Bud Freeman.

Reverse English

Band leaders with commercial programs find themselves nonplussed by the approach the networks are giving to their queries as to what public domain numbers will be available for their use after Jan. 1, in the event there is no contract with ASCAP. In answer to the band leaders' request for a list of such numbers, network spokesmen declare that they would prefer to go over the leaders' libraries and pick out those compositions that will be available.

To the leaders this seems like a left-handed solution of their problem, but they intend to keep pressing the networks for the list.

'Rather Confusing' Copyright Starts Air-Pub Mail

Music firms affiliated with the American Society of Composers, Authors and Publishers are beginning to get an insight into the confusion that might be expected to prevail among broadcasters on the matter of copyright clearance in the event radio falls to sign a new contract with ASCAP by Jan. 1, 1941. These publishing firms are daily receiving letters from stations asking them to help the stations out of their anticipated confusion by providing them with list of "tax free music."

A typical such letter was received over the past weekend by several ASCAP firms from WTAQ, Green Bay, Wis. The letter wanted to know whether the publishers had a roster of tax free music that the station might have. "Or," asked the letter, "is there some way of knowing which is which?" "The situation," WTAQ's letter admitted, "is rather confusing, and any light thrown on the subject will be greatly appreciated."

Gene Krupa, opening at Glen Island Casino, New Rochelle, N. Y., deferred from Thursday (3) to Friday last week.

Metro's Conditions For ASCAP Renewal Not Fancied By Society's Members

Metro has expressed a willingness to sign a renewal contract with the American Society of Composers, Authors and Publishers providing that the organization's board of directors agree to certain stipulated conditions. Indications are that strong opposition to these conditions will be voiced by the publisher members on the board and that the latter will demand that if Metro wants to continue with ASCAP it will have to be on the same terms as any other publisher member. The three firms in the Metro group are Robbins Music Corp., Leo Felt, Inc., and Miller Music, Inc.

The three conditions set forth by Metro are:
1. ASCAP must agree to maintain a statistical breakdown on the number of usages in film theatres, as pre-bills in the case of radio, and apportion a segment of the royalties on this basis.
2. Assurance must be given that there will be no raise in the set fee

DANGEMEN SEND OPEN LETTER

Innocent Bystanders to Feud of Society and Broadcasters Plead With Two Factions to Stop Grimacing and Start Negotiating

NO UNION THREAT

By ABEL GREEN

"We wish you guys would get together before you ruin us."

This was the essence of the complaint-appeal composed in New York last week by a group of representative dance orchestra leaders. It was expressed in the form of a letter sent to the leaders of the American Society of Composers, Authors and Publishers on the one side and to the Broadcast Music, Inc., alignment on the other. The point of view of the dangemen is that they are innocent bystanders to a feud. The luncheon meetings a fortnight ago with ASCAP and separately with BMI emphasized to the leaders how little either side cared for the man with a small fortune invested in a music library.

It was after the ASCAP and BMI luncheon meetings that the dangemen got together on their own with the leadership of Local 802 of the American Federation of Musicians present. After kicking around the dilemma that faces the broadcasting bands, it was decided to make a final effort to coax the feuders to fuse around a conference table. Hence the letter sent to Niles Trammell, of NBC, Bill Paley of CBS, Al McCosker of Mutual, Neville Miller of the National Association of Broadcasters and Gene Buck of ASCAP. The letter the dangemen sent is reproduced herewith.

Letter stresses that Buck for ASCAP—actually it was John G. Paine, general manager of the Society, who attended the maestros' meetings, in absence of Buck on the coast—and Sidney M. Kaye, on behalf of BMI, had both expressed themselves that 'the door is always open' to parley for negotiation of their differences. The bandleaders are inviting the top execs of the three major networks, along with NAB's Miller and ASCAP's Buck, to participate in a preliminary conference some time this week, probably at the New York Athletic Club.

Waring Chairmen

Chairmaned by Fred Waring, who succeeded Eddy Duchin, originally appointed head of the committee, the 'bandleaders' group comprises (Continued on page 42)

NBC Solicits Band Booking Relations With All Offices; Ends Consolidated Exclusive

Meet This Week?

Gene Buck, ASCAP president, saw the maestros' committee on Monday (7) and agreed to meet with the broadcasters any time the radio executives decided. A date may be set this week for luncheon powwow at the New York Athletic Club.

Radio execs have yet to give their acquiescence, although no hurdles are anticipated.

NBC last week informed the leading band booking offices that it was prepared to enter into contracts with all of them for sustaining pickup wires. It makes the first time that NBC has sought such deals from the band business in general. Until recently NBC had an exclusive arrangement on this score with Consolidated Radio Artists, Inc. The exclusive alliance ended with the settlement agreement under which Consolidated is required to pay \$40,000 due the network for lines at the rate of \$2,500 a month.

John F. Royal last Thursday (3) called in Music Corp. of America, General Amusement Corp., the William Morris office and Consolidated and asked them to submit propositions for the purchase of wires. He asked the booking offices to advise him how many band pickup periods each would obligate itself for and how much of an annual guarantee for service lines each was ready to offer. Through the old deal with Consolidated, NBC was guaranteed \$50,000 a year.

Columbia has for a number of years had a contract with MCA which guarantees the network a minimum of \$75,000 a year for pickup lines. This contract provides that the network make available to MCA bands a minimum of 20 hours a week. When CBS and MCA made their original deal the network was to be recompensed by the booking office deducting 2½% from the gross income of 10 stipulated name bands. Subsequently the musicians union banned such deductions and MCA elected to assume the cost of the network lines and get what it could from the resale of the facilities after the needs of this select 10 have been filled.

Slap Test Suits On Juke Boxes In Philadelphia

Philadelphia, Oct. 8.

The National Association of Performing Artists filed four suits in Common Pleas Court on Friday (4) to restrain the use of recordings made by its members in coin-operated phonograph machines, unless there is some remuneration to the members of the association. The suits were filed in the name of former Mayor James J. Walker, NAPA prexy, and Fred Waring, as trustees. The actions averred that the discs made by NAPA members are used in the juke boxes in violation of a notice on each record that they are to be used for non-commercial use only.

The defendants named in the suits are Irwin Newman, trading as Modern Music Machine Co.; Edward Klein, trading as Premier Automatic Music Co.; Maurice Pinski and Alexander Weiss, operating the High Point Amusement Co., all distributors of juke boxes, and Ida Rosenblutt, operator of the Gay Nineties Cafe, in which a juke box is on location. The latter was named in the action as a test case.

Herbert A. Speiser, counsel for NAPA, said that these were the first of a series of similar actions to be taken in all parts of the country in order to get the performing artists' 'rightful share' of the take of the 300,000 coin-operated machines estimated to be operating in the U. S.

More Delay on ASCAP Constitutionality Issue In Tacoma Fed. Court

Seattle, Oct. 8.

Special three-judge Federal court in Tacoma last week reserved decision in the move to declare unconstitutional the law barring the American Society of Composers, Authors and Publishers to do business in this State. The court at the same time allowed an intervening defendant, John G. Lockhart, operator of a local tavern, 30 days in which to file a brief against the invalidation of the law. The State's attorney general did not oppose the requested permanent injunction.

Case was originally thrown out of the federal court on the ground that the latter had no jurisdiction. The U. S. supreme court later ruled that the matter should be reviewed by a special master. A. E. Blair, the special master, agreed that the case was within the federal court's jurisdiction, and the latter action, in which ASCAP was joined by KMO, Tacoma, seeks to have the master's report confirmed.

Attempt by the Washington State Restaurant Owners Association to enter the case at this point failed before the three-judge court, but the latter did consent to accept a bill of exceptions from Lockhart as an individual use of music. ASCAP entered into a settlement with a majority of the State's broadcasters early in August, and the only thing now left for the old resumption of licensing contract relations between the two factions is the handing down of the requested injunction.

LONG INTO ROSELAND

Johnny Long band goes back into Roseland Ballroom, on the 11th, Nov. 10, for a six-week run. It's there now, but bows out in favor of Gene Krupa, Oct. 25.

Krupa stays a month, then Long returns.

Lee Dixon as Leader

Pittsburgh, Oct. 8.

Lee Dixon, stage and screen hooper whose last Broadway appearance was in "Higher and Higher," is on verge of organizing a dance band with Pittsburgh musicians. He's already talked to Clare Meeder, head of AFM Local 60, about obtaining a leader's card and understood that it's okay with union execs, providing Dixon goes through with his announced plan of employing boys from Local 60's rolls.

A well-known local night spot has already assured Dixon that he can have the band spot there when and if, with former WB featured player set to start organizing, just as soon as he winds up current engagement at Grey Wolf Tavern in nearby Sharon, Pa. He opened there last Wednesday (2) following two-week stretch here at Nixon Cafe.

Urge ASCAP-NAB Huddle

Continued from page 41

these two plus Johnny Green, Ben Cutler, Nathaniel Shilkret and Meyer Davis. There's a move on to add Glenn Miller to the committee on the premise—that thus almost every existing phase of the orchestra business—from recording and 'society' work to straight dancipation and swing—would be embraced. However, the committee, as it stands, is believed to take in a comprehensive cross-section of the leaders and their sundry types of music.

The committee was set up last Wednesday (2) at a closed confab at the Hotel Astor, N. Y., following the two previous powwows called by Russ Morgan to ad lib, in open forum, first with ASCAP and later with BMI officials. Both groups were presented with the bandmen's problem that it meant scrapping valuable libraries if, after Dec. 31, 1940, ASCAP music was kept off the major networks, due to refusal to compromise on the Society's demands for a new (upped) contract.

The maestros' position right along has been, and still is, that they're not concerned with the dollar value of the ASCAP-broadcasters' dickering and bickering, but that, essentially, if a certain choice group of songs were barred from their repertoire—meaning, of course, ASCAP music—it must mean that the bands would not be giving the public their 'best performance.' Also, the element figures that valuable musical libraries, accumulated through the years, would have to be scrapped in favor of non-ASCAP or public domain music.

Threat Non-Assertive
With president Jack Rosenberg of Local 802, New York, American Federation of Musicians, presiding at the bandleaders' third meeting, which was strictly among themselves, sans press or music-radio representatives.

the threat whereby the AFM might interpose itself did not assert itself. Whether the musicians union later on may enlist the national AFM, or on may enlist the national AFM, or as a wedge in the scrap, is still open. For the moment, the maestros merely want both sides to sit down and kick their licensing problem around.

Unlike the first two meetings, more name leaders showed up at the Wednesday powwow, some 46 in all, including a few business managers for the bands and their attorneys. All appreciated Morgan's initiative in keynoting the middle course for the radio-music fight, with an eye to the interests of the leader, on the premise that if the interpretive artist did not assert his position now, he might never be given consideration later, when it might be too late. Not incidentally, ASCAP, of which Morgan is a writer-member, voted him a vote of thanks for his efforts.

Morgan Not Negotiating Unit
Attending the luncheon, besides Rosenberg and Morgan, were Sam Suber, business agent for 802; Paul Specht, personal rep for Morgan; Harry Goodman, Mort Davis, Johnny Green, Fred Williamson, Herb Gordon, R. P. Johnson, Meyer Davis, Gray Gordon, Lang Thompson, Bert Gervis, Al Kavelin, Lou Sherwood, Art Michael, Jim Peppe, E. Krasny, Jack Philbin, Ed Kirkeby, A. Pine, Harold Oxley, Van Alexander, Jan Savitt, Pancho, Tom Morton, Bob Day, Stan Zucker, D. George, Ben Cutler, Corky O'Keefe, Rudy Vallee, Paul Dennis, Mike Vallon (for Woody Herman), Sleepy Hall, Nat Shilkret, Eddy Duchin, Barry Winston, H. Morse (for Ben Cutler), H. John Gluskin, Teddy Powell, Fred Waring.

Morgan is not on the negotiating committee because, directly after closing his Hotel Pennsylvania (N. Y.) engagement on Saturday, when he was succeeded this week by Glenn Miller, he leaves on one-nighter, heading towards the Beverly Hills club at Newport, Ky., thence to Chi and the Coast.

The orchestra leaders' letter to Messrs. Buck, Paley, Trammell, McCosker and Miller follows:

(Copy)

Mr. Niles Trammell,
National Broadcasting Co.,
New York, N. Y.
Dear Mr. Trammell:

You are doubtless aware of the series of meetings held recently for the purpose of determining the status of the interpretive artists in general, and the musicians in particular, in the trade difference presently existing between ASCAP and the radio networks.

A group of active ORCHESTRA LEADERS was invited to meet with representatives of ASCAP, and at a subsequent date conferred with officials of BROADCAST MUSIC, INC. After hearing both sides offer a series of conflicting claims, the ORCHESTRA LEADERS assembled on Wednesday of this week to discuss the situation among themselves to determine the manner in which their own interests were most affected. At this

meeting a committee was appointed with instructions to use its best efforts to bring the principals together on neutral grounds to reopen the suspended negotiations. It was generally conceded that if this move was successful the arguments that presently serve only to cloud the issue could be successfully liquidated.

The ORCHESTRA LEADER is not concerned with the dollar differences in this controversy. He is primarily concerned with the presentation of compositions that will meet with favorable PUBLIC acceptance, regardless of their origin. Only through the interpretation of such material can he be assured of the perpetuity of his own organization. Notwithstanding the unique or extraordinary ability of the director, the compositions he selects for presentation must have the approval of the listening PUBLIC or his reputation and income will suffer.

While the differences existing between ASCAP and Broadcasters were in no manner generated by either the INTERPRETIVE ARTISTS or the GENERAL PUBLIC, they alone will be the chief sufferers. The ORCHESTRAS will be prohibited from broadcasting countless compositions whose popularity has been solidified through years of unceasing usage and the PUBLIC will be denied the privilege of hearing them. The situation will undoubtedly react unfavorably on the entire industry and, pending any adjustment, the ORCHESTRA LEADER will carry the burden of responsibility since he is the connecting link between the creator, purveyor and the general public.

The recent network edict calling for the interpolation of a minimum of three non-ASCAP compositions on every sustaining program provides a new financial burden for the ORCHESTRA LEADER which he would not be requested to shoulder under normal conditions. This situation goes beyond any and every active RADIO BROADCASTING ORCHESTRA LEADER will be forced to junk invaluable libraries of specially arranged ASCAP compositions. Cheerfully admitting the existence of countless non-ASCAP tunes, the matter of procuring and arranging same creates a new financial and hardship.

With a wide open mind, we believe that both principals in this controversy have just claims, but the existing differences can only be eliminated through friendly negotiations. We have been advised by Mr. Gene Buck, President of ASCAP, that he is ready and willing to meet accredited representatives of the networks and the affiliated stations at any time and any place. Mr. Sidney Kaye declared that the Broadcasters would gladly meet with ASCAP's executives.

Under such circumstances, our Committee of Orchestra Leaders would like to expedite this meeting, without any desire to act as an arbiter, or participate in the negotiations. Toward this end, our Committee would appreciate preliminary conference, with yourself and your associates in the broadcasting industry present, to complete arrangements for the initial meeting of all principals. We respectfully ask your decision as to time and place for this conference and may we suggest a luncheon at the New York Athletic Club during the early part of next week.

Respectfully yours,
Orchestra Leaders Committee.
(signed) FRED WARING, Chairman.

COMMITTEE:
Fred Waring, Chairman
Eddy Duchin
Johnny Green
Ben Cutler
Nathaniel Shilkret
Meyer Davis

Bill Wolfe, Charles Bush
Under Harry Moss, MCA

Bill Wolfe and Charles Bush have been added to the Music Corporation of America band department, to handle club bookings. Dates they'll seek will be local New York single-nighters, parties, organization hops, etc.

They're under the direction of Harry Moss.

Mrs. Courtland D. Ferguson, formerly a pianist at WJVS, Washington, under the name Lucille Pierce, alleged to have composed "For One Lovely Moment," sung by Lanny Ross on a recent nation-wide CBS broadcast.

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. 30-Oct. 6). 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
Practice Makes Perfect (10)	BMI	48
There I Go (10)	BMI	43
Now I Lay Me Down to Dream (4)	Remick	38
A Million Dreams Ago (5)	ABC	33
Same Old Story (10)	BMI	32
Trade Winds (9)	BMI	27
Our Love Affair (4)	Feist	27
Maybe (10)	Robbins	23
Call of the Canyon (10)	Shapiro	22
Ferryboat Sequence (10)	Robbins	22
Looking for Yesterday (5)	Berlin	22
Only Forever (6)	Santly	21
Blueberry Hill (13)	Chappell	20
I'll Never Smile Again (19)	Sun	19
I'm Nobody's Baby (17)	Feist	18
That's for Me (9)	Famous	18
I Could Make You Care (3)	Witmark	17
I Give You My Word (2)	BMI	17
Crosstown (9)	Shapiro	16
We Could Make Such Beautiful Music (13)	Berlin	16
When the Swallows Come Back (15)	Witmark	16
And So Do I (8)	Marks	15
My Greatest Mistake (1)	BVC	15
Madame Will Drop Her Shawl (1)	BMI	13
Moon Won't Talk (6)	Regent	13
Rhumbogie (6)	Leeds	13
Some of Your Sweetest (1)	Music Note	12
Two Dreams Met (1)	Miller	12
World Is in Your Arms (1)	Chappell	12
An Old Castle in Scotland (1)	Berlin	11
I Can't Resist You (19)	Ager	11
I Hear Music (1)	Famous	11
I'm Home Again (5)	Olman	11
Get Out of My Heart Your Eyes (11)	Paramount	11
Shout, I Am an American (5)	Mercer	11
We Three (3)	Mercer	11
May I Never Love Again (1)	BMI	10
One Look at You (8)	Paramount	10
There Shall Be No Night (1)	Lincoln	10

GEORGIE AULD CALLS NEW BUNCH TOGETHER

Georgie Auld, sax player who took over the original Artie Shaw band when Shaw stepped out of the band business, only to have it fold under him in Florida, is expecting to put a new band in rehearsal Friday (11). There's a deal on at the moment to debut the new band at the Famous Door, New York, following the current Teddy Powell.

After being set adrift by the collapse of the ex-Shaw crew the south, Auld joined Jan Savitt's band. He quit it in Chicago several months ago and has since been doing nothing.

MINOR TEMPEST

Bowman Room Seems To Be Swaying But Not Swinging

Question of whether or not the Biltmore hotel, New York, has booked itself a 'hot band' to replace the current Ray Heatherton band has started quite a controversy. Hotel management has contracted for the Will Bradley outfit for eight weeks beginning Nov. 11 in its Bowman Room. So much of a departure is this from the hotel's past policies, that the hotel is busily trying to divert attention from the booking. It is endeavoring, in view of its usual patronage, which leans toward softer rhythms, to deny a 'hot band' has been hired and to find out who started the 'rumor.'

In a cleverly worded press release sent out last week, and which some New York dailies used almost verbatim, the hotel seemingly denies that Heatherton is leaving and Bradley replacing. It states that Heatherton's engagement 'has been so gratifying that he has been extended well into November, which is true. Bradley starts the 11th. Says also that there is no intention of bringing a 'hot band' into the Bowman Room and that Heatherton's successor will be announced at the proper time, but not until then.'

Bradley is going in to play soft arrangements of Viennese Waltzes, tumbas, tangos, etc., for the dinner session, arrangements that the band has been working on for some time, and play its usual style for supper in an effort to corral visiting college kids. Heatherton, the hotel says, will be brought back to play a return during the winter.

Nacio Herb Brown and Gus Kahn writing songs for 'Ziegfeld Girl' at Metro.

Werner Heymann signed to write the music for the Ernst Lubitsch picture, 'Divorces.'

MURRY BROPHY'S HEADER

Hollywood, Oct. 8.
Murry Brophy, Coast head of Columbia Management, is in Good Samaritan hospital following a fall down the stairs from his office. Injuries added up to torn muscles from three vertebrae and bruises. He'll be out in a few days.

The biggest request song in the country... Bing Crosby's Ballad Hit from Paramount's "Rhythm On The River".

ONLY FOREVER
By Burke and Monaco
Hoagy Carmichael's Latest
CAN'T GET INDIANA OFF MY MIND

A Brand New Novelty
I JUST WANNA PLAY WITH YOU
By David and Solman

A Beautiful, Timely Song
GOODNIGHT MOTHER
By David, Bryan and Lawnhurst

SANTLY-JOY-SELECT
1619 Broadway New York

JIMMIE LUNCEFORD
And His Orchestra
2nd WEEK
FIESTA DANCETERIA
NEW YORK

Mgt. HAROLD OXLEY
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L. A. to L. A.

Starting Oct. 9
PARAMOUNT, Los Angeles
For Nine Days

LOUIS ARMSTRONG
and HIS ORCHESTRA
featuring
MIDGE WILLIAMS
and
SONNY WOODS
Doing the Vocals
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DECCA RECORDS EXCLUSIVELY
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Personal Management
JOE GLASER, Inc.
30 Rockefeller Plaza, New York
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Robert Stolz' Greatest Waltz Hit
Since His "Two Hearts In 3/4 Time"!

Sung by
Deanna DURBIN
in the Universal Picture "Spring Parade"
Waltzing in the Clouds
Lyric by GUS KAHN
Music by ROBERT STOLZ

ROBBINS MUSIC CORPORATION 799 Seventh Ave., New York
MURRAY BAKER, Gen. Prof. Mgr. LEO TALENT, Prof. Mgr.

Ballroom May Cancel Tommy Dorsey Because of Theatre Date Conflict

Tommy Dorsey may be cancelled out of his scheduled six-week stand at the Palladium, Hollywood's new deluxe ballroom, because he has accepted an offer to play the Paramount theatre in the same town for two weeks prior to the Palladium date, Oct. 31. Louis Brecker, operator of the Roseland ballroom, N. Y., and a partner in the Hollywood ballroom, was trying to decide yesterday (Tuesday) what legal recourse he should pursue against Dorsey.

Brecker booked the date for Dorsey's opening of the Palladium over the head of the Music Corp. of America. In the meantime MCA had obtained the bid from Fanchon & Marco for Dorsey's theatre services. According to Brecker, Dorsey had assured him that he would not okay the date unless he received the consent of Brecker and his Hollywood partner, and that before the pair had an opportunity to give him a joint answer Dorsey confirmed the Paramount date. Brecker now holds that by playing the Paramount in advance of the ballroom's opening Dorsey would take the edge off his exploitation value as the first band to play the new spot, as well as affecting the Palladium's boxoffice.

Under the contract that Dorsey has with the Palladium the latter is obligated to pay for the air transportation of Dorsey and his band to New York from Hollywood, so that they can fill a New York date Dec. 17.

MARKS SUES STASNY OVER 'RANCHO GRANDE'

Betty F. Stasny, president of Stasny Music Corp., was added as a party defendant Friday (1) to the suit of E. B. Marks, Music Corp., against Stasny Music when Federal Judge Murray Hulbert in New York concluded that she, as president of the defendant, controlled all its affairs and is responsible for its policies.

Suit claims infringement of the song, 'Alla En El Rancho Grande,' composed by Silverio R. Ramos in 1927, and assigned to Marks. Stasny is accused of having made new versions and arrangements of it. Defense claims that the song was in the public domain for years in Mexico before Ramos 'composed' it.

BENNY GOODMAN BACK

Due For Oct. 19 Start—Also to Stunt With N. Y. Philharmonic

Benny Goodman expects to make a guest appearance with the New York Philharmonic Symphony Orchestra at Carnegie Hall, N. Y., either Dec. 12 or 13 as a means of ballyhooing his return to the band business. Deal is not closed as yet. He will do a Debussy composition and Mozart's Concerto for clarinet, a piece he had last year in a guest appearance with the Buffalo Philharmonic. It's not his first crack at longhair stuff, having played with various well known string quartets. He and his band have appeared both at Carnegie Hall and Town Hall before.

Leader put his new band into rehearsal at Columbia Record's studios in New York Monday (9), but the casting of it still remains a bit obscure. He will definitely have Artie Bernstein on bass; Davey Tough, drums; Charlie Christians, guitar; Sam Donahue, from Harry James on sax, and Helen Forrest as vocalist. Other men supposedly set and the taking of which has their present leaders screaming for Goodman's scalp are: Skippy Martin, sax, from Jan Savitt; Spotts Esposito, trumpet, from the same outfit; Chris Griffin, trumpet; Nate Jacobson, trumpet, and Gus Bivona, who led a band at Post Lodge, Larchmont, N. Y., all summer as Gus Bennett, another sax. One trombone and Teddy Wilson on piano are still undecided.

There's a possibility Goodman's band may not be ready for the first of the one-night college dates he has accepted, at Washington & Lee U., Oct. 19. In that case he is supposed to be considering using and fronting the band of Sonny Burke, a crew he is interested in. Goodman's arranger, Eddie Sauter, has been arranging for a violin section in the band, but they'll not be used on single dates, only on location or a radio commercial if those things come through.

MYSTERIOUS FIRM

Mutual Music Society, Inc., Shrouds Its Purposes

Albany, Oct. 8. Mutual Music Society, Inc., has been chartered to conduct a business in musical and dramatic works in New York. Capital stock authorized is \$1,000, with \$10 the par value of each share of stock.

Directors are Sidney A. Diamond, Jerome H. Adler and Rose Patric. Diamond, Rabin, Botein & Mackay, of New York, were the filing attorneys.

Purposes of the above incorporation are wrapped in mystery. The incorporators and board members are employees of the DRE&M law firm, and the only explanation forthcoming was that the corporation had been set up to take care of the acquisition of some copyrights. No further info as to the principals was disclosed by the law firm. Milton Diamond, of the firm, represents Decca, and David Mackay, Victor.

'Desert Song' Plagiarism' Suit to Trial Next Week; Sprague, Ex-NBC, Handles

Largest-scale song plagiarism suit in memory of New York attorneys will go to trial in U. S. District Court in Manhattan at the beginning of next week. Based on an alleged infringement in 'The Desert Song,' it involves 21 defendants and perhaps millions of dollars. Included in the group against whom claims are made are the two top radio networks, two song publishers, two legit producers, Warner Bros., Victor, Brunswick, Columbia and American Record Cos., four New York radio stations, as well as the composers, Sigmund Romberg, who wrote the music, and Otto Harbach and Oscar Hammerstein, 2d, lyricists.

Bringing the action is Joseph John Davilla, who claims that in 1918 he wrote a tune called 'I Was a Spider and You Were a Fly,' on which 'Desert Song' composed in 1926, infringed. Davilla, incidentally, is represented by Stuart Sprague, former counsel for NBC. Schwartz & Frohlich, as attorneys for ASCAP, are chief defense counsel, repelling all the ASCAP publishers and writers involved.

Davilla is asking for an accounting of the profits of each defendant resulting from his connection with the 'Desert Song.' In addition, he asks general damages of \$300,000, plus \$250 from the broadcasting companies for each performance on the radio. Suit was filed in 1938 and defense will maintain that in waiting 12 years Davilla forfeited any right to infringement charges.

Among the defendants, Harms is accused as publisher of the tune; M. Witmark & Sons as an associate of Harms; Laurence Schwab and Frank Mandel as producers of the Broadway musical in which the song was used; Warner Bros. and Vitaphone as producers of a film containing the tune; Stanley Company of America and Stanley-Mark-Strand Corp. as owners of theatres which played the picture; NBC, CBS, WGR, WMCA, WJLN and the four record pressers, who released disks of the song.

Del Casino Rehearses Band

Del Casino, radio singer currently on the 'Laugh and Swing Club' show on WOR-Mutual, is rehearsing a band for dance work. He's putting through his preliminary paces in New York a sweet outfit composed of three fiddles, three sax, four rhythm and three bass. It's not tied to any agency as yet.

After some time on sustaining and commercial radio in New York, the singer had spent almost a year on the coast waiting to begin production on a film that eventually was shelved. He's been back in the east about six months.

Good Old Uncle

Hollywood, Oct. 8. Dick Powell's reprise of the patriotic tune, 'He's My Uncle,' on Maxwell House airer may cost the show its exclusive for radio. When Lew Pollack and Charles Newman ground out the number and turned it over to the java show, the provision went with it that no one else would get it without a waiver from Powell.

Song is enjoying such brisk sheet sales that, in deference to the composers, the exclusive will be relaxed. Powell sings it for the fourth time on this week's (Thurs.) broadcast.

BILL STEIN'S LEG OFF TO KNEE

Blood clot that formed in the left leg of W. H. (Billy) Stein, v.p. of Music Corp. of America, forced an amputation of the leg Monday (7) in Fifth Ave. Hospital, New York. Operation severed the limb just below the knee. His condition at moment is fair. Formation of the clot followed a heart attack suffered by him Sept. 28. It occurred in his apartment in New York, where he had recently been making his headquarters.

Operation was the second performed on him. The first was last Wednesday (2) when the leg was cut open in an effort to restore circulation. It looked for a time like the amputation would not be necessary, or that only a big toe would have to be removed. Effort proved fruitless, however, and the amputation followed. Doctors stated Monday (7) that the cutting off of the leg may not be all that can be done. It is possible for the destructive clot to reform and require additional surgery.

Jules Stein, head of MCA and brother of Billy, new into New York from California Wednesday (2) and has remained at the bedside since. News of the operation shocked the entire trade where Billy Stein is very well regarded.

MUZAK BREACH OF FLA. DEAL CHARGED IN SUIT

Max J. Kramer filed suit Friday (4) in N. Y. supreme court against Muzak Corp., seeking damages of \$250,000 for alleged breach of contract. Plaintiff claims he entered an agreement in January 1940, whereby he was granted the exclusive right to Muzak in Miami and Miami Beach, for transmission of musical records over the telephone.

Contract was breached, it is alleged, when the defendant also licensed others there and failed to provide equipment for the plaintiff. Defendant was to have received 10% of the gross under the agreement.

Bert Shefter's \$35,800 Suit Against His Att'y

A suit for \$35,800 by Bert Shefter, musician, composer, musical arranger, orchestra leader, concert and stage artist, against his attorney and personal representative, Douglas G. Hertz, was revealed Friday (4) in N. Y. supreme court, when Justice Aaron Steuer ordered the examination of Hertz before trial. Examination will take place today (Wed.).

Plaintiff claims that on April 2, 1940, he entered into an agreement with the defendant for seven years at \$100 weekly to render musical services. The contract was breached by failure to pay May 13, it is claimed. Hertz claims that certain monies were obtained from musical compositions by Shefter which he failed to give him (Hertz). Shefter, on the other hand, states that he assigned compositions to the defendant when the agreement was made, which have not been returned.

Billy Hinds into Hotel Schenley, Pittsburgh, for resumption of week-end dancing during fall and winter season. Hinds, a KDKA announcer, was the last maestro there in the spring.

Non-Shag Arcadia, New York, Has Same Bouncers, Doormen, Etc., 14 Yrs.

GLASER HAS LES BROWN

Orchestra That Started Maria Kramer Fuss Quits CRA

Les Brown orchestra, which opened up the controversy over whether or not Mrs. Maria Kramer demanded pieces of bands before booking them into her Lincoln and Edison hotels, New York, has been released from its booking contract at Consolidated Radio Artists and is now exclusively under the management of Joe Glaser. It was Glaser who stymied the attempt of Mrs. Kramer to corral a percentage of Brown by telling her she'd first have to pay him the money he had invested in the band. She refused and cut Brown's stand at the Lincoln hotel to one week instead of four, which started an investigation by N. Y. local 802 of the American Federation of Musicians into her activities.

Glaser left for San Francisco yesterday (Tuesday) to look in on another of his properties, the new Lionel Hampton band which opened Friday (4) at Sweet's Ballroom, Oakland, Calif. Hampton's outfit comprises 15 pieces including three men who double on fiddles for sweet stuff. It has four and a half weeks booked for a shakedown cruise up and down the west coast.

St. Louis Promoter's Idea Is to Hire Name For Use With Local Group

Short string of private society parties in St. Louis, Mo., have evidently been sold the idea of hiring name band leaders to front a local society band normally led by a Jimmie Downey. Latter is handling all negotiations for importing tonight batoneers to front his band and has already hired Johnny Green, conductor of Philip Morris radio shows, for the first shindig scheduled for Nov. 2.

Green will fly to St. Louis that day for the job, and will be paid approximately \$1,000 for the solo one-nighter, the figure including his transportation expenses. Downey is currently angling for Kay Kyser, Eddy Duchin or Horace Heidt for similar hops which scheduled for Nov. 15 and 27.

NEAR-RIOT AT HAWKINS GALLOP IN BUFFALO

Buffalo, Oct. 8. Erskine Hawkins one-nighter here Wednesday (2) turned into a near-riot in which two cops were hurt, seven Negroes arrested and a quantity of marijuana cigarettes seized. One cop lost his revolver in the melee, in which a special bluecoat had to threaten dancers with a pistol to restore order.

Hawkins' bandmen were innocent bystanders at disturbance which occurred in closing hours of shuffle, sponsored by Community Club, Negro group. More than 1,000 persons were on the floor when one shuffler began plunging his fist through windows of third-floor dance hall. Cop on duty collared him, was promptly jumped on by two others but managed to nab one of the latter.

Dozen other dancers threw bottles and rushed bluecoat as he hustled his prisoner into an elevator, but Special Policeman James Isabel halted them with a threat to shoot. Crowd then rushed for the exits as police cars from all over the city streamed to the scene. One of first police reinforcements to enter hall was struck in the head by a chair.

Police held five men and two women. Check of pockets disclosed a dozen razors and knives and a meat cleaver. The marijuana cigarettes were found about the floor.

British Hit to Shapiro

Shapiro, Bernstein & Co. has bought the rights to the tune, 'Walkin' Through Mockin' Bird Lane,' from Stasny Music Co. Purchase was inspired by the circumstance that the song has become a hit in England. The British rights to the number are held by Peter Maurice.

Arcadia Ballroom, New York, celebrated its 16th anniversary of operation last night (Tuesday) with Rudy Vallee, Russ Morgan's band, and the Bobby Day and Fenton Bros. orchestras. Vallee's purpose was to introduce the Fentons, a crew that he is sponsoring.

Spot, according to Hugh Corrigan, its manager for the past 14 years, has not changed ownership since it opened and on top of that has been manned by the same crew of doormen, bouncers, etc., for as long as he's been manager. Building and ground is owned by Columbia University.

Arcadia is not a jitterbug dancery. It maintains a bouncer to halt all attempts at shag, etc. In fact there is a house rule that orders the usual two bands on tap to play at least 16 waltzes, eight rhumbas, four tangoes and four congas, each night.

J. W. MURRAY COL. DISC V.P.

James W. Murray, once comptroller of the old Columbia Phonograph Company, has been installed by Columbia Records as executive v.p. and general manager, headquartered at the outfit's Bridgeport, Conn., pressing plant. Appointment was officially announced Monday (7) but he had been added during last week.

Stretch as comptroller of Columbia Phonograph was from 1928 to 1932 when he went to Japan as v.p., treasurer and director of Nipponophone, Japanese record outfit. He subsequently became managing director of the combined Nipponophone and RCA Victor Company of Japan when the two merged in 1934. He had been back in the U. S. since 1939.

MRS. JACK LITTLE, WIFE-MANAGER, DIES

Mrs. Tea Little, 38, who was well known to the band business and the publishing trade as the manager of her leader brother, Jack Little, died Oct. 4 in Brooklyn of meningitis of the brain. Little flew in the same night from Kansas City where he was playing the Meunhebach hotel.

Mrs. Little developed quite a reputation for her aggressiveness and enterprise in furthering the career of her husband. There have been few wife-managers in the orchestra business. Mrs. B. A. Rolfe did it for a while and one of the latest has been the case of Mrs. Paul (Margaret) White-man.

Burial was in the plot of her family in Albany. Her father, Harry Hellman, is the operator of theatres in the Albany-Troy area. The Littles recently adopted two children.

Little Cancels Date

Des Moines, Oct. 8. Death of Little Jack Little's wife in New York last Friday caused cancellation of his band's engagement at the Tromar ballroom here Saturday. Chan Chandler's outfit, en route from Atlantic City, N. J., to Denver, filed the date.

Armida of Mexico Heads Latin Ensemble

Armida, Mexican vaude-mingity-film dancer and singer and one-time protégée of Gus Edwards, has formed a Latin-tempoed band of her own which she will debut at the Beachcomber, New York, Dec. 10, replacing the Chavez orchestra. Latter, with Sonny Kendis' crew, shifts to the Beachcomber, Miami, where it stays until Xavier Cugat's band comes in Jan. 27.

Other outfit, down so far for Florida stands this winter include Pancho's group, which goes into the Five O'Clock Club, Miami, Dec. 20, but is preceded by Arthur Warren, who opens Oct. 31. Vincent Bragale goes into the Dempsey-Vanderbilt, Miami Beach, on an indefinite date in December.

Sam Lyons Gives His Fellow 10%ers A Brushoff on Show Biz 'Ethics'

By HOBE MORRISON

"You know what's wrong with show business?" demanded Sam Lyons, in what might have been those very words. One of his hearers sensed another endless rehash of that perennial Times Square controversy, and started to tiptoe away, but the demon dialectic agent was not to be thwarted. "Sit down," he said, stirring the dregs of his coffee, and I'll tell you." The truant sighed and sat.

"The trouble with show business," the agent announced firmly, "is the agents." That sounded like a new approach, from an agent, so his visitor yanked his chair under the table and leaned attentively forward. "Sure," repeated Lyons, "the trouble is that agents aren't permitted to handle actors the way they should."

Oh, the old saw! All over again, thought his listener. But there was no escaping now, so he leaned back, while Lyons paused and glanced across Bardi's luncheon table at the others.

"How can an agent work for an actor when Equity won't let him sign the actor to a contract?" he resumed. "It's crazy, it's stupid, it's insane. Every time I try to get a certain salary for an actor, to build him up, what happens? Why some other agent offers him to the same producer for a lower figure. How can I do business that way? I'll never be able to work for an actor unless I'm allowed to have him under contract to me, so other agents can't undermine me with him right in the middle of negotiations."

"Not only other agents can undercut me with the same actor," he hurried on, "but frequently the actor will undercut himself by going behind my back and offering himself to the producer for a lower figure than I'm asking. But if agents were allowed to have actors under contract that wouldn't be possible. No sir, as long as Equity continues the same rules the agents will never be able to help the theatre."

Exhibit No. 1

"Take Jimmy Savo there," he continued in his almost-understandable accent. "When I first started handling Jimmy he was getting \$275 a week for himself and his wife. Is that right, Jimmy?" And as Savo nodded solemnly, Lyons hammered on. "Now he gets \$2,000 a week as a single. Could I have done that if some other agent could undersell me? Of course not. That's only because Jimmy knows I'm working for him and he won't let any other agent cut his

price, and he won't cut it himself for any manager, either. Isn't that right, Jimmy?" Again the comic took the cigar stub out of his mouth and nodded. "That's right," he remarked, gravely.

His voice gradually rising, the agent thumped the table to emphasize his statements, as those at nearby tables looked around curiously or nodded as they passed on the way out of the restaurant. But Lyons was not through. "If you want to bring back the theatre," he declared, "force every actor to have an agent—just an agent. Then there'll be no more undercutting of one agent by another."

Undercutting Themselves

Another thing. No actor should be allowed to negotiate contract with a producer unless his agent is there. That would prevent actors from undercutting themselves. And no agent should be allowed to act as exclusive casting directors for any producer. That's criminal. That makes the agent work for the producer, although being paid commissions by the actors. If the producer is too incompetent or lazy to do his own casting with actors sent by all agents he should pay someone to do it for him, not expect the actors to do so, he insisted.

"If Equity wants to regulate the agents it should clamp down on the unlicensed agents instead of passing crazy rules to prevent the legitimate agents from properly protecting the actors. People are always yelling about the agents, yet there are two or three unlicensed agents for every licensed one—and it's the unlicensed ones who make the trouble. There are several lawyers who openly act as agents, some of them having actors under contract as we aren't allowed to do. If I want to set a deal for one of their people I have to split commissions with them. Would they split their legal fees with me if one of the actors I handle got a divorce? He shrugged expressively. "What do you think?"

Producers Also

"But the producers are as much to blame as anyone. Not long ago a producer came to me with the script of a musical, saying he wanted a name cast but didn't feel he could risk the kind of budget the stars would involve. 'All right,' I said. 'I'll make a deal with you. I'll get you three stars whose normal salary would total \$5,500 a week, and I'll let you have 'em for \$3,000. That means those three actors would be putting up \$2,500 a week toward your

VAUDE VICE SAPOLIOED BURLEY AT ALVIN, MPLS.

Minneapolis, Oct. 8.

Alvin here, after four weeks, abandons midwest burlesque wheel shows for five to vaude acts booked by Leo Shalkin of the William Morris office in Chicago. Theatre will continue with its permanent line of 18 girls, however.

Harry Hirsch and Harry Katz, now operating the Alvin, are burlesque veterans who held forth for many years at the Cayuga. In their new location in the heart of the loop, drawing many women and young people, they eliminated all stripping and blue lines and business from the burlesque roadshows after three days of the first week. Boxoffice response, however, has not been sufficient to warrant retention of the laundried burley offerings.

production. Therefore, when your production investment is paid off, the three of them will share in the profits according to the share of the total investment they've advanced. "Do you think he'd agree to that? Don't be crazy, of course he wouldn't. He talked like I was trying to embezzle everything he owned. Okay, I told him. You want the actors to share the risk of your production, even participate in the initial expense, but you won't share the profits with them. Well, I think you're a little so-so. I called him a string of unprintable names—and I pronounced them correctly, too!"

No Littles

"Agents are the punching bags of show business," he continued, "and rightly so. Agents are mean, grasping, unreasonable guys because that's their job. An actor can't be nasty in his dealings with producers; that's what he pays his agent a commission for. Sure, I agree agents are no good. Why, do you realize there hasn't been an agent who died in the last two years. I called him a string of unprintable names—and I pronounced them correctly, too!"

Strolling toward the door, Lyons stopped for a few moments' conversation with Harold Clurman, Group Theatre director, and Kermit Bloomgarten, general manager. Then he started across the street toward Broadway. They want a leading man for their new production," he remarked. "I told them to send the author over to my place in Connecticut on Sunday. I'll have Ralph Holmes there then. That's a better way for an actor to meet the author than in an office. What an agent can do for an actor."

Amen

After leaving Lyons, his somewhat groggy listener walked a few steps up Broadway and met a leading theatrical attorney. The lawyer listened to a brief second-hand outline of the agent's views. "Hum. There may be some wisdom in part of what he says," the lawyer remarked, "but if I had anything to say about it any actor could abrogate his contract with an agent at will; and that goes for Hollywood as well as Broadway. The agents are getting away with murder."

A few moments later an actor was encountered. "Yeah, Lyons talks a good case for the agents," he grumbled, after hearing a repetition of the "punching bag" idea, "but he's talking through his Connecticut rooftop. There's nothing in the Equity regulations to prevent him from signing an actor to an exclusive contract. Of course he isn't allowed to tie an actor up without a guarantee. Why should he? But if he really has faith in the actor and believes he can do something for him, the agent can sign the actor to an exclusive personal management contract guaranteeing him a specific amount a week. But what Lyons and all the agents want to do is to have the actor take all the risks, then if things work out, the agent cashes in on their profit. Who's he to accuse a producer of wanting to insure profits without sharing the risk?"

"You know what's wrong with show business?" Ask somebody else.

Scott Bradley conducting the score for the "Gallipoli" Gale cartoon and Constantin Bakaleinikoff for "Utopia of Death" short at Metro.

Unit Review

NEW FADS AND FACES

(STATE THEATRE, SALISBURY, N. C.)

Salisbury, N. C., Oct. 5.

The Rixfords, Two Black Spots, Roshee and Lee, Christine Silliman, Baba Rita Bennett, Lillian Mitchell, Frank Smedick's Band, Line.

"New Fads and Faces" opened the vaudeville season here, and drew capacity houses and a good reaction. Producer-manager Owen Bennett brought in the show. He is well known here, having played Salisbury for the past several seasons. Highlighting are the Rixfords, in novelty hand-to-hand and head-to-head balancing, and Rishel and Lee, jugglers and globe rollers.

The two Black Spots, Billy Henderson and Turk McBea, Jr., sell their blackface act well. The jokes are ancient, but they have a lively act despite the handicap. Bold, for Salisbury, is the strip and semi-nude numbers by Christine Silliman, billed as Vanessa, "Parisienne dancer of exotic movement." In a refreshing spot following the strip, and quite a contrast is Baby Rita, four-year-old daughter of the Owen Bennetts, who sings well.

Completing the layout are Lillian Mitchell, with her accordion, Frank Smedick and his band and a line of six girls.

Show runs 55 minutes. Hard.

Saranac Lake

By Happy Benway

Saranac Lake, Oct. 8.

Hazel Coleman, ex-NVA and Roger-site, who saw years of ozoning, all elated that she is her former self again. She recently knocked off a first prize in a dancing contest at the Rainbow Room, N. Y., while on a big-town vacash.

Eddie McDonald, who left here months ago, here for a weekend check-up. Medico says that he is okay.

Jimmy Johnson, fight big shot, in and out of the Rogers, ogling and miffing his former secretary, Margie Regan.

Kitty Horan, who has done much to aid others during their little needy spells, to Philadelphia after a long siege of ozoning.

Top reports that mean that they can go home were handed out to Bina Rogers, Maxine Miller and Fred Eslinger.

Bernard Brewster, who helped lot to cheer this colony with his m.c'ing and hoofing, signed up with the U. S. Flying Corps. Starts his duties at the Chanute Field, Rantoul, Ill.

Birthday wires and greetings were received from Mrs. William Morris, Mrs. Hattie Silverman, Joseph Vaughn, Bobby Graham, Carl Kern, Mayor Tom Ward, Mr. and Mrs. Stanley Perry, Harry Martin, Tommy Vicks, Tudor Cameron and 88 other well-wishers, for which Happy Benway humbly thanks you all.

Write to those who are ill.

Guy Wood and Bickley-Reichner writing a theme song for "The Lady With Red Hair" at Warners.

SUE N. O. ICE SHOW PROMOTER FOR \$4,070

New Orleans, Oct. 8.

Civil Judge Walter L. Gleason on Wednesday (2) signed a provisional seizure order in a suit filed by the Municipal Auditorium Commission against Prieur Leary, promoter of the "Ice-Capades of 1941," who is alleged to owe the commission \$4,070.50 as the balance on the rental of the auditorium.

The petition stated that Leary had agreed to rent the building at the following rates: \$60 a day from Aug. 1, 1940, through Aug. 24; \$125 a day from Sept. 5 through Sept. 22, and \$60 a day from Sept. 23 through Oct. 1. The commission contends that Leary failed to pay all the sums as agreed.

In order to secure full payment, the petition asked that equipment and property of the lessee should be seized until the amount still owing is paid in full.

•15 YEARS AGO•

(From VARIETY)

William Randolph Hearst was ported to have decided to become one-man story trust for selling motion picture material. The publisher was "buying everything."

Too much competition was the bane of the cabaret biz in New York.

The first critical boxscore on the new legit season on Broadway found Alexander Woolcott, of the World, leading the crits with six correct guesses out of seven shows picked. Gilbert Gabriel, of the Sun, was second with 10 out of 12.

The largest number of extras in a picture in one day was used in the shooting of "Scene in 'Ben Hur'." Metro employing 3,500 for the Circus Maximus shot. They were paid from \$3 to \$10 for the day.

Polly Moran, the comedienne, was going in for beauty doctoring. Miss Moran, admitting that she was no raging beauty herself, said that was one reason for her wanting to go in for beautifying. She was going after the pro trade.

After her long illness, Irene Franklin made her comeback at the Palace on Broadway, and clicked. Ever, in her songs, composed by herself and husband, Jerry Jarnigan.

Jane Cowl, with her husband and business manager, Adolph Klaubner, left the Arch Selwyn management for that of Gilbert Miller, of the Frohman office. Miller was to be associated with Joseph Bickerton and Basil Dean in presenting Miss Cowl in Noel Coward's "Easy Virtue."

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MALO TRIO

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Currently ORIENTAL THEATRE, Chicago
Opening Friday (Oct. 11) Hotel Nicolette, Minneapolis
Dir.: JACK KALCHER—WILLIAM MORRIS OFFICE

HUDSON WONDERS

From THE BILLBOARD
Reviewed Sept. 27, 1940
The Hudson Wonders, who have been pleasing audiences since they were kids, grow bolder each year. Marvelous acrobatic dancers, they give a performance of new material, new variations on old tricks, back and front flips, trapeze, and a host of other difficult acrobatic and graceful dance steps put them over to a solid hit.

★
THANK YOU,
TRADE PAPERS,
FOR YOUR
FINE
CONSIDERATION
OF OUR
NEW ACT
★

From VARIETY
Reviewed Sept. 27, 1940
The Hudson Wonders continue to grow up but manage to overcome this handicap with a continued array of smart acrobatic dance routines and a host of stage training that tells 'em how to sell their stuff.

Direction: WILLIAM MORRIS AGENCY

DON PEDRO

His Voice — and His Magic Violin
Currently ORIENTAL THEATRE, Chicago

— ALSO —

Broadcasting Nightly, 6:00 to 6:15 P.M., WGN, Chicago

Loew's, WHN, Poli Circuit Settle For \$27,950 On Fatal Auto Crash

Final phase of an auto accident last May 25 which resulted in the death of two performers and injuries to three others, was settled on a one-night date at Loew's Globe Bridgeport, Conn., is the settlement by Loew's, Station WHN and Poli New England Theatres, of suits filed and threatened. Amount paid out totals \$27,950.

Master Jay Bee (Shriftman), kid performer, was instantly killed when the car turned over several times after a tire blew out. Max Maurice (and Vincent), owner of the car, died a few days later in Stamford hospital. Maurice's partner, Vincent (Abraham Horowitz), was driving and also was injured.

Parents of Jay Bee received \$7,500 in the settlement, though their lawyer, John M. Keating, had not filed suit. There was no settlement for the death of Maurice, but Natalie Boyle, a dancer, who is still unable to get around because of a broken back, received the largest amount, \$16,750. Paul Gerson, another performer injured, got \$2,000, while Estelle Shurry, singer, who sustained only minor hurts, received \$500. Horowitz, the driver, got \$1,200.

Actually, only two suits were filed against the three companies, attorney Jonas T. Silverstone, N. Y. filing for \$100,000 for Miss Boyle and \$25,000 for Gerson. Silverstone refused to divulge the terms of the settlement, but these were revealed by other sources.

The suits for Miss Boyle and Gerson were based on the premise that the WHN Artists' Bureau, which books the Bridgeport house, had instructed the performers to travel in Maurice's car. Because of this, it was held that Loew's, the Station and Loew-owned Poli, which operates the Globe Bridgeport, were responsible for the deaths and injuries, although there is nothing in the Interstate Commerce and Public Service laws mentioning private cars as common carriers of performers.

It was also brought out in Silverstone's affidavits that the performers were to receive only \$5 for the show, traveling about 120 miles up and back from New York.

The accident, one of the most serious involving a show troupe in years, pointed up the transportation of vaude units via cars owned by actors; also that many acts are booked only because they own cars, and that some bookers rarely take into consideration the condition of these cars. The car involved in this accident was very old and Silverstone was prepared to prove that the tire that blew out was 24 years old.

ST. LOO CAVALCADE NETS FIREMEN \$60,000

St. Louis, Oct. 8.

St. Louis Cavalcade, produced by the William Morris Agency for the Firemen's Pension Fund, netted the fire laddies approximately \$60,000, according to James E. Darst, manager of the \$7,000,000 municipal auditorium. The total attendance for 28 performances was about 168,000. Darst and Mayor Bernard F. Dickmann, who with William Morris and Lou Wolfson conceived the idea of the show, have not decided whether a similar show will be staged next year.

Darst said the profits of the Cavalcade equaled those of 'Our Town Follies', presented by city employees last year, and the St. Louis National Horse Show in 1938, both sponsored by the firemen. The cost of presentation of Cavalcade was approximately \$77,000.

Mario Changing Over N.Y. Cotton Club as Palomar

Site of the recently closed Cotton Club, New York, will be refurbished and reopened sometime in December as an American style dining and dancing spot using name bands. It'll be operated by Mario, currently running the Hurricane, which opened a couple of months ago in the spot which formerly housed the Paradise.

New place will be called the Palomar and will supposedly be operated along the same lines as the Blackhawk Cafe in Chicago.

Detroit Houses Sign New Stagehands Deal

Detroit, Oct. 8.

With no great changes, save as pertaining to the new type of orchestra pit stage, all Detroit's major theatres have signed contracts for one year with Local 38, stagehands' union. According to Ed King, business agent of the local, a few technical changes were made in working conditions.

The sole significant angle to the new contract applies to the Michigan and Fox, downtown picture houses which bring in occasional vaudeville. Permission was given to both to move the orchestra cars six feet further upstage—as far back as the present screen location—to have acts working out in front on the pit stage. The union puts two additional men on at each house, one to the shift. Last year's wage scale will continue.

Roy Cummings Who Took Falls All His Career Dies in Fall From Train

Passing of Roy Cummings, who died at the age of 47 in San Bernardino, Cal., Oct. 1, was ironic. Former vaudevillian had been taking falls all his life, but was fatally injured by falling from the platform of a moving train. One report had it that he was beating his way back east on a freight in search of a job, his last appearance being that of a clown at the Los Angeles Fair at Pomona. Understood, however, that he owned property in North Hollywood.

As a nut comic Cummings was unique, a standard two-a-day turn. He would virtually 'eat the scenery', working in one, diving into the drop, falling out of stage boxes and being heaved into the orchestra pit. Cummings also appeared in a 'Ziegfeld Follies' and in Winter Garden, N. Y., reviews. Upon the decline of vaudeville, he went to the Coast, but had little success in securing engagements.

Cummings was eccentric off stage as well as on. He was wed thrice, first mate being Helen Gladings, with whom he appeared. Second wife was Billie Shaw and Florence Roberts was the third. Comic attracted considerable newspaper attention when he lived in a house on the river at Derby, Conn., with Miss Roberts, and it was stated that the two ex-wives also resided there. Other reports were that the two divorcees lived on the grounds but not in the Cummings home. Spot was an actors colony which he built.

He last appeared in vaude with Hazel Shelly. A daughter, Billy, 19, who lives on the Coast, has appeared in several films.

DESK-ROOM AGENTS LIABLE TO N. Y. TAX

New York.

Editor, VARIETY:

It has come to the attention of this department that a number of booking agents who sublease space from the actual producers, either by way of telephone, mailing or other privileges, door listings, etc., have failed to make a return for the 1940 Occupancy Tax based upon the rental value of the subleases or the privileges extended to them.

We would appreciate your calling to the attention of booking agents the fact that they are subject to the 1940 Occupancy Tax and must file a return with our department. Their failure to file such return will result in an assessment of tax plus penalty of five times the amount assessed, together with interest at 5% per month.

Your cooperation in calling this to the attention of the members of this profession will be appreciated.

Very truly yours,
William Reid,
(City Collector for N.Y.C.)

Add: Tropicana

Another new tropical spot is scheduled for Broadway, New York, on the site of the now closed Ivan Frank's Bavarian Restaurant. New one is to be called Treasure Island and will open Oct. 16 with Nano Rodrigo's orchestra and Lolita Cordoba.

It's almost next door to the new Tropicana, which is set to go opening with colored vaude and Ella Fitzgerald's band on Oct. 18. New Sacas band has been added as alternate to the Fitzgerald group. Tropicana was last the Hollywood, and the Club Yumuri, a Cuban joint.

AGVA ELECTION IN N. Y. OCT. 22

New York local of the American Guild of Variety Artists will hold its annual election of officers Oct. 22. Balloting will be done by mail and at a meeting the morning of the election date.

There will be no national AGVA election this year; the union being unable to afford the convention from all locals that would be necessary according to the constitution.

Jimmy Hollywood (Radio Rogues), currently in 'Hellzapoppin', is opposed by Pete Wells for the N.Y. presidency. There has been talk in AGVA of asking Wells to step aside and make Hollywood's election unanimous.

NIX TAVERN LICENSE FOR NAZI HANGOUT

Milwaukee, Oct. 8.

Niteries and taverns that cater to Nazi and Silvershirt-subversive elements were given an idea of what to expect hereafter when, on Friday (4), Judge Otto H. Breidenbach in circuit court refused to upset the decision of the common council denying a tavern and dancehall license to the Highland cafe, popular midtown spot which has been a gathering place for the pro-Nazi German American Volksbund. Previously, John Wintersberger, proprietor, had difficulty getting a license because he permitted Silver-shirts to meet in his place, and he gained the right to operate only after making an affidavit that he would not again permit Silver-shirts, or any other similar organization, to meet there.

However, the pro-Nazi Volksbund did meet there and when Cornelius P. Hanley, an attorney who had dropped in, resented businessmen's remarks derogatory to America, its press and its policies, there was a free-for-all fight which resulted in the city's refusal to again issue a license to the place.

'Floria' (O'Connor) Sues Partner Mario

Eileen O'Connor, 21-year-old dancer, filed suit Monday (7) in N. Y. supreme court against her partner, Mario-Artames, seeking an injunction to prevent him from appearing with anyone but her in public. Artames is now at Loew's State, N. Y.

Plaintiff claims she is part of the dancing team of Mario and Floria, having signed a three-year contract with Artames on March 29, 1940. At the present time he is booked at the State under the team name, but with another dancer, whose name the plaintiff does not know. Miss O'Connor is a pupil of Michael Fokine, and has appeared with the Shuberts, the Trocadero and Adelphi in London, the Ritz Carlton in N. Y., the Hollywood Restaurant in Hollywood, and in several plays.

Lyric, Indpls., Upping 'Showing Act' Coin

Chicago, Oct. 8.

Lyric, Indianapolis, which has been booking acts for showing dates at \$5, \$7.50 and \$10 a head, will increase the minimum salary paid these acts. Frank Dart, local booker for the Lyric, and the Chicago office of the American Guild of Variety Artists, insist that they were not engaged in any controversy over the showing dates and the salaries.

However, they are anxious now for the trade to know that these salaries will be increased in the future. Round trip transportation will be paid.

Kelly Re-Fired By AGVA Natl. Board When He Refuses 'Reinstatement' Until Union Purges Self of Reds

Mapy, Fernando Cortes Head Mexican Revue

Mexico City, Oct. 8.

A revue company to go into the Teatro Arbut is being formed here with Mapy and Fernando Cortes as its stars. This pair arrived in Mexico in August for two months at the Follies Bergere with the comedian Cantinflas. Although a shade or two too classy for the market district house they clocked unmistakably. Hence the proposal to build a revue around them for the Arbut.

Mapy Cortes, an Argentine, has appeared in New York cafes and her husband, a Porto Rican, in various motion pictures in Spain. Both also speak English.

L'ville Dailies' Annual 'Kentuckiana Institute' Drew 56,000 to Shows

Louisville, Oct. 8.

'Kentuckiana Institute', big fall festival promoted by the Courier-Journal and Times, with John Hoagland handling the details, enlivened the town tremendously and chalked up an attendance mark of 56,000 for six days. Event held from Sept. 30 to Oct. 5, is underwritten by the newspapers as a trade stimulant, bringing patrons from a radius of 100 miles.

Fifth event of its kind locally, the newspapers offered five attractions on an 'at-cost' basis of 99c top. Each of the pay events were absolute capacity, and hundreds were turned away from the Alex Templeton, Southernaires, Schlaparelli, Drew Pearson and Elmer Davis appearances. Wayne King was presented at the Memorial Aud to capacity, and later played for dancing at the Madrid Ballroom, both turnarounds. Lectures were presented without charge, and all were presented to full houses.

Shows were held at Memorial Aud capacity 2,400, Columbia Auditorium (capacity 800), Woman's Club Aud (capacity 800). Only other building with sufficient capacity to handle crowds would be the Jefferson County Armory, with accommodations for 10,000, but promoters are of the opinion that the barn-like structure is unsuitable for musical events or lectures.

With so many free events offered to the public, newspapers dipped into the red to stage the big affair, but prime purpose was to bring visitors to town so that merchants could participate in a real influx of people from the surrounding area.

BAN ON FEMMES PUTS QUIZ SHOW IN NITERY

Hartford, Oct. 8.

Practically frozen out of any attempt to provide floorshow entertainment for its patrons because of the 10 p.m. curfew law on femme employment, The Lobster, local niterie, has successfully adopted the quiz and answer show commonly found on curbstone etherings. WTHT is ethering agent.

Spot, which in the daytime operates as a semi-sophisticated eatery, had found it's night business on the wane because of it's failure to provide what patrons call the bright kind of entertainment. Customers balked at straight masculine shows. Idea for the audience and listener participation show, originated with the Randall Advertising Agency, which sold it to Sam Triars, proprietor.

It is handled by Fred Bieber and Paul Swimler, of the WTHT staff, and is of half-hour duration. Nightclub participants are quizzed on a variety of subjects over the house p.a. system in conjunction with the ethering. Success at answering the questions brings awards of 'rain checks' (from two to eight), which can be converted to any drink the participant wants. Term 'rain checks' is used because of WTHT policy of not mentioning liquor.

Thomas E. Kelly, whose status as executive-secretary of the Philadelphia chapter of the American Guild of Variety Artists has had both the local and the national organizations embroiled for the last three months, has at last been definitely bounced by the union's national board. Hoyt Haddock, national executive-secretary, instructed by the board to 'carry out a rehabilitation of the membership of the Philadelphia local', has reaffirmed his appointment of Lee Travers as local executive-secretary of the chapter. And Jack Miller, New York local representative, has been named national representative and goes to Philadelphia to assist Travers. National board's action was taken at its regular meeting Monday (7).

Three weeks ago the board had decided to reinstate him on a probationary basis, provided he promised in writing to conform to the union's constitution and obey the board's instructions. However, Kelly notified the board that he could not 'comply at this time' because of a resolution by the local membership withdrawing from the national organization 'until the red element' in AGVA was expelled and Kelly reinstated with full pay for the period he had been laid off. In view of that action, the board ousted Kelly as of 'permanent tenure.'

Monday's ruling by the national board took the form of a lengthy opinion relating the entire Kelly situation from the beginning. Beginning with the statement that Haddock's original dismissal of the Philly exec had been at the national board's instructions, the decision then cited various clauses in both the national and local constitutions giving it authority to oust any employee-officials at will. It stated that despite Kelly's repeated promises, conditions in the Philly local had grown steadily worse and that, contrary to its previously-stated intentions, the local board refused to act.

Kelly's Defense N. G.

Kelly, according to the national board's statement, failed to offer proper defense for his actions, but unconstitutionally appealed to the local membership for support. After painstaking investigation, the board's report continued, '11 sweeping charges were leveled against Kelly and they were proved with documentary and direct evidence. Nevertheless, the board decided to reinstate him on a probationary basis. At the same time it voted to 'reprimand the national executive-secretary for permitting this matter to become an unnecessary expense to the organization and for permitting same to disrupt the local membership and the national board.'

Regarding the resolution passed at the tumultuous membership meeting in Philly recently, withdrawing from the national organization, the board's statement said that the meeting in question was not composed of members and was thus illegal. Only five members in good standing were present when the session opened, according to the board, and they left in disgust at the disruptive and undemocratic manner in which Kelly and non-members were conducting themselves.

Asserting that a majority of those at the Philly meeting were agents and managers who had no right to be present, the board said that 'the membership did not rule on the resolution in question.' It concluded that both the Philadelphia and national memberships want to 'conduct themselves in conformity with the AGVA constitution.'

Tobacco Commercial Set for Chi Oriental

Chicago, Oct. 8.

'Uncle Walter' Doghouse, radio show for Brown & Williamson tobacco, has been set for a week at the Oriental here by Sidney Morse starting Friday (11).

In the show are Tom Wallace, Virginia Verrill, Doghouse quartet, Bob Strong's orch and Charles L'ona, NBC announcer.

STATE, N. Y.

The Berry Brothers, seen here a several night spots, do justice for their turn. With plenty of space for their leaps, slides and acrobatics, the sepia trio neatly furnish the dance interlude.

Biz at late show (Friday) was bullish. Stands filled the lobby.

Shal-

ROXY, N.Y.

Milt Herth Trio, Peter Lind Hayes, Betty Jane Smith, Gae Foster Girls (24) and Boys (12), Pat Ash, Pit Orly, Spring Parade (U), reviewed in VARIETY, Oct. 2.

There isn't much quantity, but there's a lot of quality in the current stage layout here. On the whole, the acting and costuming side is also pretty okay, but the spotting could be definitely sockier.

The one major staging fault is the placing of the Milt Herth Trio within the first 10 minutes of the show. The swing musical outfit could be a closing smash, with the strikingly costumed line's routine to "Rhubarb" adding much to a finale blowoff. Instead, the trio, with the swinging musical outfit, is now merely an interlude in the Milt Herth session, with the Herth crew making it tough for the subsequent proceedings.

Herth, at the electric organ, lively Jack Connor at the drums and marimbaphone, and Morty Jacobs at the piano give out with an infectious brand of swing. The Herth crew, strapped to their swinging hips, is now merely an interlude in the Milt Herth session, with the Herth crew making it tough for the subsequent proceedings.

Peter Lind Hayes is up against the obstacle of following Herth, and it tells the first couple of minutes. The Herth Trio, on the marimbaphone, "Shiek of Araby" and the "Boogie" tune with the line.

Rest of the show fore and aft is held up extremely well by Gae Foster's line of girls, augmented by a male hoofing chorus of 12, and Betty Jane Smith, a coking little hooper who is seen too briefly. She's on with the combined line in the opening rhythm number, uncorking some swell rhythm tapping and twirls that are reminiscent of Betty Hutton. The routine by the line at this point is especially strong in precision and Miss Foster appears to be strongly challenging the Radio City Music Hall Rockettes for the honor. The latter have held so long. At the finale the mixed chorus does a cute bustle routine, half the girls acting as the rear-end decorations, but this might have been better if they had been beginning rather than the end of the show. If nothing else, this number shows how the Roxy's production corps is also graduating in the costume meter.

Attendance at the last show the second night was good. The Roxy bowed in on Thursday (3) instead of the usual Friday to catch the Jewish New Year trade. Scho.

COLONIAL, DAYTON

Dayton, Oct. 4.
Ken Murray with Carol Landis, Tito Guizar, Oswald, Park and Clifford, Betty Atkinson, Milton Charleston "Gold Rush Maitse" (M-G).

Ken Murray has surrounded himself with some capable talent that has "show-stopping" qualities as of week. Comedians work in and out of the show, kids with the audience, gives an assist to the various acts when they need it, and generally keeps the setup on its toes throughout.

After Murray warms up the audience with a few gags, Betty Atkinson starts the proceedings with a flashy display of baton-twirling to strains of a number of songs. She incorporates some effective dancing that is good for applause too. Winding up, she features a 12-pound baton which she handles with ease and efficiency.

Murray next brings on Park and Clifford, who execute some difficult strongarm acrobatic feats and hand-balancing. A highlight of the act is Murray's clowning with the boys, coming out in an abbreviated costume similar to the ones worn by the male team, and then resorts into a bit of burlesquing of his muscular "powers."

Carol Landis, of the screen, is spotted next and delivers several songs nicely, and, too, enters into the comedy spirit by singing to Murray, latter going heavy on the mugging. Stuningly dressed, Miss Landis is an eye for an eye.

The type of comedy with which Murray established himself on the stage a couple of years back is brought to the fore with the appearance of his stooge, Oswald. With Murray feeding gags, Oswald gets over some coking laughs, relying on some of his known to radio listeners. Several minutes of patter Oswald

APOLLO, N.Y.

Erskine Hawkins Orch. (14) with Delores Brown, Avery Parrish, Jimmy Mitchell, Salt & Pepper, Kitty Murray, Johnny Vigil, Johnny Mason, Vision H a r r i s, Four Kingsmen, The Turbines, Apollo Choir (10), House Line (18), Golden Cloves (Par).

This is a rather staccato show as far as the pace is concerned, with the first two parts being mainly responsible for the lag. Principally at fault are a couple of house standbys, Johnny Vigil and John Harris, both of whom are involved in a prolonged blackout sketch that takes upwards of 25 minutes. Also in this portion is an abundance of terping that bids fair to exhaust the audience, the house line of 12 girls and six boys going through a couple of prolonged production numbers with taps, plus two with the line in Salt-Pepper and the Two Turbines.

Salt and Pepper are a couple of male hoofers who do standard taps, in challenge and union, and don't have anything to set them off particularly. They make several appearances through the layout to further heighten the excessive-dancing factor. The Two Turbines are in the same idiom.

Miss Murray, who's made premieres of late with "Locheese" (Eddie Anderson), is a hefty girl who does songs, with all the biz, in the low-down manner. She's dressed accordingly, and don't go over too far. The routine by the line at this point is especially strong in precision and Miss Foster appears to be strongly challenging the Radio City Music Hall Rockettes for the honor. The latter have held so long. At the finale the mixed chorus does a cute bustle routine, half the girls acting as the rear-end decorations, but this might have been better if they had been beginning rather than the end of the show. If nothing else, this number shows how the Roxy's production corps is also graduating in the costume meter.

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FLATBUSH, B'KLYN

Ray Bolger, Ciro Rima, Orch (12), Jose Alcamargo, Estrella (12), Charlie Boy, Chinita, Sunnie O'Day, Bob Howard; News-reels and Shorts.

Presence of Ray Bolger at this Flatbush theatre, is apparently responsible for the strong business this week. It was packed to the rafters over the weekend, doing capacity at the early Friday night (4) performance, and is probably a film competition. Without Bolger, the stage production would be largely a cut-and-dried string of vaude and night club entertainers. With him as m.c., it's a slick musical revue enhanced by trim lighting, particularly noticeable on the dance numbers.

Bolger, at the N. Y. Paramount about two months ago, also worked at that time on the same bill with the Latinque revue, Xavier Cugat's. Here he's emerging in front of another Latin-type show, but Bolger's Rima's band and entertainers are little changed from what he's been offering niter and vaude patrons for several years. It's not especially strong, but it's a solid, well-rehearsed, on the one-two-three bump rhythm. Chinita is the most torrid dancer backing up the Cuban dancing barefoot for a Cuban voodoo specialty with a lot of wild abandon movement. She's still fairly restrained for vaudeville. Estrella's best effort is the zomba, with Rima's chinita in front, and Bolger, of course, there are Charlie Boy and Felipeito for tery specialties.

Alzira Camargo, import from Brazil is featured. Three Portuguese song solos are in the show, and a tony grooving. She sports freakish headgear and garb, a la Carmen Miranda, her countrywoman. Her efforts caught on big with the house here. Bolger's Howard, her tery efforts and general appeal. Sunnie O'Day (New Acts) is cliche

Frank Endrinf Four opened indefinite engagement Friday (4) at Hotel William-Penn's Continental Bar Pittsburgh, replacing Wanda and Her Escorts.

GOLDEN GATE, S. F.

San Francisco, Oct. 2.
Clifford C. Fisher, Folies Bergere, featuring the Weire Bros (3), Senior Wences, Gloria Gilbert, Rita Borden and Co. (4), Red Donahue and Uno, Emmet Casey, Dennis and Dubins, Diane Del Rio, Gloria Hills, Lily Sandan, Palma, Walt Rosener, I'm Still Alive (RKO).

Shifted over from the local Expo, where it closed Sunday (29), Cliff Fisher's Folies is essentially the same and definitely socko although somewhat cramped on a normal stage after the ample acreage available in the Treasure Island auditorium. Fact was underlined at opening when a 20-foot section of glittering prop gale collapsed with a resounding crash as a bevy of chorines sought to switch the regulation biz. Stagehands had quite a tussle hauling away the wreckage but gals never missed a step and audience didn't mind the subsided. In fact, nearly everybody had trouble. A mike stand was knocked over at beginning of Senior Wences' turn, necessitating replacement before ventriloquist could go on.

Principal sales angle of 'Folies' of course, is undraped femininity, which brings up interesting comparison with last year's Folies on the Island in '39 and in houses up and down the Coast, there was nudity, but with a tendency to cover up. This year there is probably less actual concentration on epidermis, but what's offered is offered fully and frankly. Principal contribution to the stage routine is "Under the Sea" production number, a gemme half emerging from a sea shell garbed entirely in minimum of G-string. Nor are lights as dim as before. Any other impression is that this year's road version, as broken in here, steers almost entirely clear of blue material, which could hardly be claimed for the "3" unit.

Show is heavy on talent side. Senior Wences being little short of terrific with his combo ventriloquist and juggling act, keeping up running conversation with ball and a head in a box plus imitating various voices on phone, etc. A smooth worker, he alone is worth the advanced tap, housing going 40-50-59 for this run.

Perfect timing of Weire Bros, trio of synchronized steppers with a flock of goofy hat and other gags, gives their act a pop and pep that's the good old days. Red Donahue and his amazingly intelligent mule, Uno, Gloria Gilbert the "human top" on toes, and all others concerned to do lightening in any language. Novelty twist to Rita Borden's acrobatic turn is garbing of three male partners as hunters who bring her on stage in guise of a slain animal, hanging from pole and dragging a tail which is shed before lads start tossing her about.

Specialties are interspersed between and among several production numbers. Band, of course, is in pit this week, bated by Walt Rosener, an old favorite here; he led a house band in the days of vaude and, an ovation from the fans upon appearance. Regular house line gets a rest this week.

Siz fair at opening, considering number of people who have seen 'Folies' at the Expo. Wern.

FLATBUSH, B'KLYN

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SONJA WRONKOW

15 Mins.

Cherry Lane Theatre, N. Y.

After singing in numerous European niteries, Miss Wronkow has come to the U.S. from an engagement in Palestine. She has appeared briefly with various refugee groups in this country, but made her more-or-less formal debut Sunday (6) night under the auspices of Wendell Phillips Dodge at the 200-seater Cherry Lane in Greenwich Village, N. Y.

Being possessed of all the attributes for being physically attractive in the American way—or the American idea of the European way—and exhibiting a varied repertoire in seven languages, Miss Wronkow has all the makings of a natural for a smart ease niter, particularly one of those which now finds itself catering to an increasing smart European refugee set.

Tiny in stature, Miss Wronkow assumes a humorous upright stance at the piano, on which she's a sock performer, and throws out a voice in a snappy continental version of low-down. Whether it is French, Yiddish, Russian, German, Polish or whatnot, and no matter how unintelligible the language, it's still highly listenable. Only thing she will have to avoid—except in the right spots of course—is too many Yiddish folk songs. It may endanger her being called a carbon of Molly Picon, whose style she somewhat resembles.

She'll be at the Cherry Lane for the next three Sunday evenings.

VALESKA GERT

Satiric Mime

45 Mins.

Cherry Lane Theatre, N. Y.

A German refugee with a reputation in Europe, Valeska Gert debuted at the Cherry Lane Theatre in Greenwich Village, N. Y., Sunday (6) night. It was the first of four successive Sabbath eve appearances at the house, in which she is billed to divide a full evening's program with Sonja Wronkow, her piano accompanist, who precedes Miss

with her tapsterning and okay on her warbling.

Bob Howard, colored piano song-featurist, has virtually the same array of solid material that's put him across before in vaude houses. Auditors here went for him in a big way. Despite hoarseness, he was recalled several times.

Bolger offers a gag political speech to open, and is in and out for every specialty, giving them a boost. For his part, the closer he is, he is doing his tap-dancing prize fight, the slow tap with rhumba interruptions and a specialty with Miss Camargo.

KEITH'S BOSTON

Boston, Oct. 3.

Al Trahan with Geri Dorsey, Jeanne Lorraine and Roy Rognan, Six Antaleks, Herman Timberg, Jr., and Pat Rooney, Jr., Nellie Arnaut and Bros. (3), Larry Flint House Orch. (Up in the Air) and Three Men from Texas (Par).

New faces appear in a variety bill that's a real bargain, sold with two tickets at 55c top. Al Trahan, starred, closes the show with his okay brand of low comedy and a new partner, Geri Dorsey. Caught into on opening day, Trahan looks to be still experimenting with his act. Not quite up to his established standard, the comic smoothed out the turn between the first and third shows and received more acclaim for (4) performance than he did for the first. He has a pleasing personality and voice, but has not yet quite caught the spirit of her partner's dizzy doings and pratfalls.

Noticeably improved since they last appeared here are Lorraine and Rognan, playing the tery spot. No important changes in their routine, but they pack more sock; deliver with better timing and more finesse. Roy Rognan does a so-so job as m.c. for the show, but he and Miss Lorraine have to beg off after stop opening everything cold with their ace joke, bad timing and a few lines.

Opening turn, The Six Antaleks, shows for the first time on this stage. Four girls and two men register all the way in a nifty high-perch pole act that moves expertly and swiftly from one gag to another. Introducing circus atmosphere into the show, the Antaleks feature the girls who hang and balance in twos and threes atop poles that reach up into the flies.

Young Timberg and Rooney, deuce, reveal themselves to be well-seasoned troupers. Some of their chatter is too blue, Rooney's waltz step is jumpy and Roy Timberg's eccentric hoofing and Hollywood impersonations, wisely trimmed to a minimum with the scissors of showmanship.

Nellie Arnaut and Bros., next-to-shut, were nicely received, as usual, for their trick fiddling and the familiar whistling finale which repre-

New Acts

Gert's appearance with songs in seven languages.

Curtain-up on Sunday took less than one hour all told, at least 15 minutes of which was occupied by Miss Wronkow. Remainder was more than enough of her colleague who is billed as providing "Satirical Types in Sound and Movement." Whatever it is she does, it's in a medium and style entirely unfamiliar to American audiences and conceivably commercial only in the artist of art theatres. Certainly not on the vaude, legit or concert stage, nor even a swank niter.

A medium tall gal in her middle thirties with close-cropped black hair, she performs in dead-white makeup and in costumes which strive so hard to be unobtrusive they become just the opposite. She does nine routines of satiric mimicry, as "The Famous Pianist," "Baby," "Tragedy," "Faislaise," and "Coloratura," except that she does it too much mimicry and nothing but the crudest and most obvious form of satire. It's more an exhibition of energy than a ugly movement than anything else.

Miss Gert's rep abroad is for scaring people, but apparently with the "though" American audiences wouldn't go for it as she has included only one bit of this type, "To Die," in which she runs the gamut from next-to-the-last-breath to rigor mortis. It's rather interesting. Also included are two numbers in English, one of them "Oh Johnny," an obvious imitation of Bonnie Baker and not satire.

SUNNIE O'DAY
Songs, Dancing
10 Mins.

Flatbush, Brooklyn

Most recently in "Keep Off the Grass," this blonde beauty is a trifle lightweight with her vocalizing of "imagination" and "Pocketful of Dreams." However, she really is socko with her tapsterning both in the slow-timed fancy steps and the faster dance which includes difficult curlicues.

Better costuming to accentuate her looks likely would help. She is okay for any of the visual fields. Wear.

sents two male birds on the make for a female. Although they roused plenty of plaudits when caught, the impression remains that this particular stuff is rather one-sided being very funny or consummately boring, with compromise opinions in the minority. Fox.

EMBASSY, N. Y.

(NEWSREELS)

The battles of Britain and the politics in this country highlight the newsreel display here, with the spotlight also trained on several major football battles. Free from a lot of unimportant sports stuff, style shots and material that isn't news, the show is much tighter and entertaining than many that have been slapped together of late. However, there is still too much silently shot film depending on narration for any semblance of life.

Scenes of the wreckage and havoc wrought over England by the Nazis bring home all too forcefully the extent of the war, but it is tempered a little by Paramount, which shows the Britons as carrying on business as usual. This company, as well as Fox-Movietone and Universal, supply material for the bombing of London. The King and the Queen's child are caught by Fox, but they aren't heard. A little talk from them would have heightened the human-interest angle.

The Pathe photography covering Japan on its joining the Axis is poor. On the military side also are shots of President Roosevelt inspecting defenses and making a brief speech to the U. S. by South American army chiefs, army drilling, American Legion convention, new speed plane brought out at Buffalo, return of Queen Helen to Rumania, etc. U. S. air shots on the new speed plane are excellent.

F. D. R. scored a larger hand here, when caught, than did Wendell Willkie. Henry Wallace, making a speech, did fairly well, and John Garner, returning to Washington, got a complete applause brushoff. Willkie turned in by Par.

In the sports arena, in addition to tennis in Chicago, are a flock of football games, on the one hand, and the Steelers pro game, which was satisfactorily shot. The Washington-Minnesota, Navy-William and Mary, and the Southern California-Washington State games are the most thrilling and best photographed. Par is credited with the Minnesota-Wash. tussle, Fox the other two. The Ohio State-Pitt, Tulane-Boston College, by Par, is more jumpy and Roy Timberg's eccentric hoofing and Hollywood impersonations, wisely trimmed to a minimum with the scissors of showmanship.

Shots of the Boulder Dam in celebration of anniversary of its opening (Par) are very good. Chur.

TA, Per Dowling's Request, Clarifies Position of Actors 'Serving' Politics

Question of actors playing 'benefits' for political causes, which came to a head last week, was somewhat clarified Monday (7) by Alan Correll, executive-secretary of the Theatre Authority. Under the TA interpretation, actors will not be barred from 'contributing their services as citizens,' but will not be permitted to 'give their professional services as entertainers without pay.

Interpretation was made in response to a letter from Eddie Dowling, chairman of the stage and screen division of the Democratic National committee, whose previous circular letter to members of the acting profession had solicited cash contributions and asked the recipients to pledge their 'personal services.' Later phrase was regarded by members of the Associated Actors & Artists of America executive committee, which has supervision over the entire matter of benefit appearances for all performer unions, as implying a request for 'benefit' appearances.

Dowling's second letter, dated Saturday (15) and addressed to Correll, said in part, 'This division has no desire to solicit the use of theatrical talent for benefits to raise money for political purposes in this campaign. Our approach to the people of stage and screen is exactly as it might be to any other professional group. If and when entertainment is made a part of a political rally it will be paid for accordingly.'

'Let me understand clearly the meaning of your ruling and particularly the interpretation placed upon it in the trade press. Are you saying that actors are not allowed to contribute their personal services as citizens? Do you propose to place a restraint upon the people of the theatre as to their volunteer efforts in a political campaign?'

Pay for Entertainment

Correll's reply, dated Monday (7), declared, 'The ruling... specifically states that no artist may entertain at a political rally without being paid for his services. I agree with you that no one has the right to deny free speech to anyone, and that goes for the actor as well as the lawyer and doctor. However, (to) your query as to whether actors will not be allowed to contribute their services as citizens, our reply is that we do not wish to place a restraint on our people, but at the same time they have been notified that they cannot entertain gratis at any political rally.'

Nothing further has been said about the recent guest appearance of Katharine Hepburn on a radio forum in favor of President Roosevelt's re-election, sponsored by the Democratic national committee, over NBC. And the Republican national committee, which received a copy of the Theatre Authority's original letter announcing the banning of actor 'benefits' at political rallies, has not replied. Walter O'Keefe is heading the theatrical division of the Republican campaign, but he is not making 'professional' appearances. His work has been organizational and advisory.

Alex Aarons Back In B'way 'Hit' Quarters; Connolly as Stager

Alex A. Aarons and Robert Ritchie, who are readying 'Hi-Ya Gentlemen,' will occupy same offices in the Alvin, N. Y., where formerly used by Aarons and Vinton Freedley when they were among the most successful producers of musical comedies on Broadway. Alvin was built for them and, until the depression, they held title to the theatre. House where they registered a succession of success will get 'Gentlemen,' due next month or early December.

Bobby Connolly, who is slated to direct the dances for the Aarons and Ritchie show, arrived from the Coast Friday (4) for his first visit to Broadway in seven years. Day of his arrival, Arthur Swanson, his partner when Connolly was a legit producer, died suddenly. Connolly is on an eight-weeks leave of absence from the Metro lot. 'Gentlemen,' which will have Max Baer as a comic, is expected into rehearsal in about 10 days.

Legit Makes Sounds Like Coming to Life on Coast

Los Angeles, Oct. 8.

Legit is perking up a bit in the local area, but not in sufficient quantity as yet to make it worth while. John Cousin opened the Pulitzer prize play, 'Hell-Bent for Heaven,' at the Musart last week, but piece is depending largely on service charge duets. Arthur Beckhard debuted 'Easy Does It,' comedy by George Frank and Roland Kibbee, at the Mayan (6).

First local booking of any importance, aside from the 'Charlot's Revue,' being given at El Capitan for benefit of British war relief, is 'Quiet, Please,' a comedy on Hollywood, which Jesse L. Lasky brings to the Biltmore (15). Henry Duffy is staging with Jane Wyatt, Donald Woods and Fred Niblo featured.

Revival Rash Due Shortly On Broadway

When Grace George was given a cordial press reception in 'Kind Lady' at the Playhouse, N. Y., and good business followed, William A. Brady, who presented the play, predicted that his lead in staging revivals would be followed. Four more revivals are due, an unprecedented amount so early in the Broadway season.

Two open next week, 'Blind Alley,' Windsor, and 'Charley's Aunt,' Cort. Due after Christmas is 'Elmer the Great' and next month will see 'Twelfth Night' (Helen Hayes and Maurice Evans). All but the latter were successes in rural stock theatres during the summer. 'Elmer' will tour prior to New York.

Joe E. Brown arrived back from the Coast Monday (7) and immediately signed with Richard Aldrich & Richard Myers for 'Elmer.' He toured the summer spots in that play, 'The Show-Off,' but elected the former for Broadway because of a personal reason. Leading character in 'Show-Off' puffs many cigars during the show, but Brown doesn't smoke and the cigars often made him ill during rehearsals and performances.

In 'Elmer' the lead has to pack in much food and, according to Dick Aldrich, Brown is very well qualified in that department.

EQUITY COUNCIL NIXES FREEMAN'S STOCK IDEA

Charles K. Freeman, formerly a director for WPA's Federal Theatre Project, has a plan to revive the Chicago Civic Repertory, former stock outfit, but his idea about using semi-pros partially was promptly turned down by Equity's council. He proposed to engage a permanent pro cast of six, but wanted the right to use non-Equities.

After he said that the minimum of \$25 weekly for juniors allowable for stock as jobbers (those engaged in addition to the permanent company) was not enough to live on, councilors fired any number of questions at Freeman. They principally wanted to know what he intended paying the additional people if given permission to operate his plan. He was unable to give anything definite about his intentions in that direction and the mix was on.

Among the WPA's that Freeman staged was 'Life and Death of An American,' one of the last of the FTP's shows. Reported that it rehearsed 10 months, with the players making complaints over the show being strung out. That was not the record for long time rehearsals in the WPA, 'Sing For Your Supper' having been in preparation nearly twice as long. Last season Freeman staged 'Morning Morning,' which George Kondoff, formerly in charge of WPA production in New York, produced. Another stager was called in before the show opened.

'Red' Showdown

Continued from page 1

blast, as was George Heller, national associate executive secretary and treasurer of the American Federation of Radio Actors.

Idea of an in-house board hearing charges against accused Equities and AGVA officials appeared to those to whom the plan has been broached. Those accused have all emphatically denied Lambertson's charges and are seeking prompt action to have themselves cleared, but Congressman Martin Dies, head of the Congressional committee investigating un-American activities, has not yet set a date to hear the charges and may never consider the latest union matter. Hence, the trial before an impartial board appears the best way out of a very messy situation.

Civic Leaders to Decide It is proposed that the talent unions, all members of the Associated Actors and Artists of America, invite four or five civic leaders and businessmen of unimpeachable character to sit as a trial board. If any official of any of the unions, or board or council members, or even paid employees, are found guilty as charged, then the unions can purge themselves without Congressional action.

New resolutions passed by Equity and AGVA, which bar Reds from official or paid participation in these unions, would expedite the purging if any of those accused are found guilty. AGVA, for instance, in the past week has sent its resolution, first passed by the N. Y. local, and then by the national board, to all of its officials and employees nationally to be read and signed individually, so that any Red in the union will be fully cognizant of the anti-Communist legislation.

The AGVA resolution reads: 'We, the National Board of the American Guild of Variety Artists, representing an organization of patriotic Americans, in regular meeting assembled, resolve that we are unalterably opposed to Communism, Nazism, Fascism and all other foreignisms, and further resolve that any person proven to be a member of any such organization shall be ineligible to become a member, hold office or in any way be in the employ of the American Guild of Variety Artists, and further resolve that this shall apply to anyone who is proven sympathetic with such subversive organizations.' elements.

SEE SUN. SHOW OK BY NOV. 1

Equity completed the mailing of referendum ballots on Sunday performances last week, the membership being expected to okay Sabbath shows without the impost of double pay. Although those on an honorable withdrawal basis or excuse cards were not included, it was decided to send the ballots to junior members.

Although their votes will not count, it was decided that by submitting the issue to juniors a clearer cross section of the membership's ideas on Sundays would be obtained for future reference. Also figured that the juniors of today will be seniors tomorrow, and the opinions of the younger element will ultimately figure in Equity's course. There are more than 800 in the junior classification, about half that number being in New York. Juniors get the same minimum of \$40 weekly but like seniors the pay will be \$50.

Referendum votes must be on hand by Oct. 31. Vote will be counted Nov. 1, after the Junior slips are segregated. Possible that the first Sunday performances would be played Nov. 3 under the new rule; but more likely that Nov. 10 will be the starting date, provided the vote is yes.

On the referendum slips it is set forth that stagehands and musicians have agreed to Sundays at the same rate of pay as any weekday.

Rival Authors Union

Mexico City, Oct. 8.

Dramatists who do not agree with the principles of Mexican Theatrical Authors Union have organized in rivalry thereto the Mexican Syndical Union of Stage and Screen Authors.

Antonio Guzman Aguilera, a leading scenarist, is secretary-general.

Actors Equity Torn by Bitter Internal Strife; 'Red' Baiting Foments Feeling and Reprisals

Lee Tracy In Stage Comedy on the Coast

Hollywood, Oct. 8.

Lee Tracy signed to star in the stage comedy, 'Every Man for Himself,' opening Nov. 2 at the Lobero theatre, Santa Barbara.

Piece is produced by Arthur Hutchinson and Arthur Ripley, who recently put on 'Oscar Wilde.'

Atkinson Plugs Mgrs.' Central Ticket Office

Brooks Atkinson, in his Sunday (6) article in the N. Y. Times, advocated the establishment of a central ticket office which would be operated by the managers, thereby eliminating ticket brokers. In agency circles it was figured that the piece was inspired. Known, however, that the critic made an affidavit in support of the State when a number of brokers unsuccessfully sought to enjoin License Commissioner Paul Moss and police head Lewis Valentine from enforcing the new Mitchell law, limiting all tickets to 75c premium over the box-office price.

Assistant corporation counsel Charles Weinstein, who defended the action, asked Atkinson to write his opinions and much of his affidavit in the Times article. Atkinson also supported the theory that, although the U. S. Supreme Court once ruled against fixing ticket prices, he believes a reversal would be handed down were the matter to come before the highest tribunal again.

Critic also said that prices of tickets are a matter of public interest and that the boxoffice prices are double what they should be if the theatre is to survive. He also believes that direct sale at the box-office is not proper distribution, the reason for the central office idea.

As for the stage, he declares: 'The prestige that the theatre enjoys everywhere, among schools, colleges, clubs as well as among enlightened individuals, is based on the assumption that the theatre is a social institution with a sustained influence on culture. That is why thousands of young people study the drama in hundreds of American institutions of learning.'

In the drama section of the Sunday Times, too, there appeared an extra space ad of the Tyson Operating Co. and Tyson Theatre Ticket Service (William Sullivan and Harry Kaufman), headed 'A Central Ticket Office.' Indicated that either the daily's advertising department, or an individual on the staff, tipped off the ticket people and the copy was hastily inserted.

Agency lists 21 hotels and one night club in New York where it has branch offices, and contends that the service offered is virtually a central office, with prices at the prescribed legal premium.

NEW CHI OPERA GROUP SETS PRODUCTION SKED

Chicago, Oct. 8.

Organization has been formed in Chicago for the production of operas recognized as classics, but which are seldom performed in this country. Known as the Opera Theatre, group will do six productions during the coming season, starting with 'Il Matrimonio Segreto' by Domenico Cimarosa.

Artistic head of the Opera Theatre is Giacomo Rimini, with Giovanni Cardelli as general director and Harry Selzer as business manager. Selzer is particularly established in Chicago as an impresario who has brought the biggest concert names for appearances locally.

Shows will be produced in the Civic theatre, small sister of the Civic Opera House.

Deploping the trend developed in Equity's council, where charges that some members are Communists are being threshed out, it is being declared by some that a clique is indulging in a witch hunt. The proposed amendment to Equity's constitution which would bar Communists, Fascists and Nazis, or sympathizers with such groups, from office in the association, is also being criticized. One pertinent comment is that Equity is kissing itself into a flock of future headaches.

The amendment itself is not objected to, but rather the phrasing when it was introduced. An officer who declined to vote for the resolution was asked his reason for so doing. He answered that the term 'sympathizer' is too ambiguous and he asked just who is to determine whether a person is sympathetic to the isms. Officer wanted to know, too, whether anyone friendly with those named by Congressman William P. Lambertson would that constitute 'sympathetic.'

That those players fomenting the Red situation in Equity may suddenly find their actions boomeranging against them is pointed out as a definite possibility. If those under charges are cleared, others who are displaying an intolerant attitude now may find themselves on the outside looking in.

What has deeply disturbed the leading Equities who take the staunch stand of champions of fair play is that at least two actors named when Lambertson started his agitation by putting his charges in the Congressional Record have been unable to secure engagements. That very condition was feared when Lambertson sounded off and then failed to submit proof of his allegations.

One player has been 'knocked out' of three Broadway engagements, although at Equity's recent quarterly (Continued on page 52)

Legit Names Behind Refugee Freedman's School of Show Arts

New City, N. Y., Oct. 8.

Helen Hayes, Maxwell Anderson and several other noted theatrical people who reside in the vicinity are sponsors of a school of the arts which opened here last week. Town is in Rockland county, a few miles up the Hudson river from New York City. Venture is directed by Julian Freedman, founder and former director of the Salzburg Mozarteum academy.

Teachers at the school include Polly Corchie and Marion Sivek, dance; Eden Vale, Zita Johann and Lotte Lenya (Mrs. Kurt Weill), drama; Boris Eifman, stage design; Helen Deutsch, writing; 'Vladimir' Vitliac, abstract design. Freedman, a native American, left Salzburg in 1933 after a squabble with the Nazis. His place there was taken by Willem von Hoogstraten.

Freedman started the New City school after teaching music last year to Hesper Anderson, four-year-old daughter of Maxwell Anderson. Institution is named the South Mountain school. Children's theatre, part of the project, last month presented four short plays, including the American preem of Paul Vincent Carroll's 'St. Francis and the Wolf,' which the playwright wrote for his own children. Besides Miss Hayes and Anderson, sponsors of the school include Burgess Meredith, Rollo Peters and Ben Hecht.

TOURING IN MEXICO


Maria Teresa Montoya on Road 18 Months and Still Going

Mexico City, Oct. 8.

A record for a Mexican dramatic road company, that headed by Maria Teresa Montoya, one of Mexico's leading actresses, has been established with the completion of 18 solid months on tour.

The company gave exactly 1,000 performances in that time and still has six months bookings ahead of it.

Plays Out of Town



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B'way Biz Off Forepart Last Week But Fair Crowds Lift Weekend Legit

Theatre attendance declined on Broadway early last week, with various reasons given. Monday (1) was moving day, and was assumed that Tuesday was devoted to settling down. Wednesday was the eve of the Jewish New Year, and that was known to have affected some attractions, but not all.

Towards the end of the week the metropolis started to fill up with visitors, drawn for the final month of the World's Fair, which ends Oct. 27. Midtown hotels' reporters turned away thousands of applicants for rooms on Saturday and Sunday. Theatres appear to have benefited by the influx, for heavy business was reported at agencies and boxoffices. Fair had one of the biggest weekend gates of the season as culmination of newspaper week at the exposition. Legit grosses were held up somewhat by the late week rush of patronage.

'George Washington Slept Here,' due to light the Lyceum Monday (7), was forced to postpone until next Monday (14) because of a knee injury to Ernest Truex during last Friday's (4) performance in Boston. Saturday matinee show was dropped, but the night show was rescheduled due next week as 'Boyd's Daughter,' written by St. John Ervine; tried out in Boston under title 'Boyd's Shop,' suddenly added to week's docket.

'DuBarry Was a Lady,' 46th St. (44th week) (M-1,375; \$4.40). Was affected early last week when attendance generally dipped; estimated nearly \$16,000; moves to Royale Oct. 21.

'George Washington Slept Here,' Lyceum (C-1,004; \$3.30). Postponed because of knee injury to Ernest Truex.

'Hellzapoppin,' Winter Garden (107th week) (R-1,671; \$3.30). Not worrying about long staying laugh revue, which was somewhat affected early in the week, then back to capacity; \$30,500 quoted.

'Hold On to Your Hats,' Shubert (4th week) (M-1,405; \$4.40). Jolson didn't draw capacity of Jewish New Year; takings of new sock musical rated at \$25,500.

'It Happens on Ice,' Center (R-3,261; \$2.75). Presented by Sonia Heni and Arthur Wirtz; ice revue with Joe Cook (non-stark) staged by Leonidoff; ensembles by Catherine Littlefield; opens Thursday (10).

'Johnny Belinda,' Belasco (3d week) (D-1,000; \$3.30). Went up somewhat last week, with takings estimated around \$4,500, but show needs more to better than break; spending coin on promotion.

'Journey to Jerusalem,' National (D-1,162; \$3.30). Opened Saturday (1); biblical drama drew doubtful notices.

'Life With Father,' Empire (48th week) (C-1,095; \$3.30). Straight play leader not affected and looks set to span the new season; grossing better than \$16,000.

'Louisiana Purchase,' Imperial (19th week) (M-1,450; \$4.40). List leader also held to its age and figured at \$16,000; \$3,000 against.

'Man Who Came to Dinner,' Music Box (51st week) (C-1,102; \$3.30). After pulling great comeback, dipped under \$15,000 last week; still quite profitable at this level.

'Second Helping,' Hudson (C-1,094; \$3.30). Presented by Walter Bachelor and Monte Prosser; written by David Carey; tried, but in summer stock; opens Saturday (12).

'Separate Rooms,' Plymouth (28th week) (C-1,107; \$3.30). Making weekly profit and engagement indefinite; very little off last week, when takings again topped \$10,000.

'There Shall Be No Night,' Alvin (19th week) (D-1,434; \$3.30). Went off somewhat, but very good at close of \$16,000; \$10,000 more, up final four weeks to better money.

'Tobacco Road,' Forrest (283d week) (C-1,107; \$1.10). No telling how long run leader will continue; making some \$10,000 with takings around \$4,000 mark.

Return Engagement

'Time of Your Life,' Guild (2d week) (D-1,046; \$2.75). Sited another two weeks then to road; business better than anticipated with gross around \$10,000.

Revival

'Kind Lady,' Plymouth (5th week) (CD-865; \$3.30). Doing well and inspiring presentation of other revivals; rated well over \$10,000 last week.

Added

'Sim Sala Bim,' Morosco (4th week) (939; \$2.75). Was supposed to have gone off Sunday night (6), but not better support at weekend and stars at least two weeks more, takings about even break; \$6,000.

Gilbert and Sullivan Repertory

44th St. (1,463; \$2.20). Was slated in first week but announced to continue; first week around \$6,000 after so-so press.

NEW PRODUCING COMBO REVIVING 'BLIND ALLEY'

New season: developing number of new managerial combinations; while usually active producers are laying back for one reason or another. Among the new combos is that of Marie Louise Elkins and Clarence Taylor, who will revive 'Blind Alley' at the Windsor, N. Y., Monday (14). Miss Elkins is said to be wealthy. Taylor was a press-agent and has been connected with the Stage Relief Fund for years. His first Broadway try was 'Sea Dogs,' which carried briefly at the Elliott last spring. It is the second managerial try for Miss Elkins, too. She was concerned with 'Michael Drops In' a couple of years ago. During the summer she operated the stock house at Newport with Nancy Rogers, and presentation of 'Blind Alley' was their most successful show, which explains the idea of reviving it on Broadway. Previously, Miss Elkins was at the Ridgeway, White Plains.

'Alley' is being staged by Jack Daniels, brother of William Daniels, cameraman for Metro. Director also emanates from summer stock. He had the strawhat outfit at Clayton, N. Y., some seasons ago. Cast is headed by Roy Hargraves, who was the original show when it covered a moderate success at the Booth, N. Y., in the fall of 1935, with Lila Lee, Bernadine Hayes and Jane Todd.

'Dinner' Fair 9G In Det.; Stays 6 Weeks

Detroit, Oct. 8. Having grossed approximately \$54,000 in its first four weeks at the Cass, 'The Man Who Came to Dinner' will carry through for two weeks more to Oct. 19—leaving only the dark days until the first of the ATS subscription series opens Oct. 28 with Katharine Hepburn in 'Philadelphia Story.'

Record of 'The Man Who Came to Dinner' company here, with Clifton Webb and Doris Dalton in cast, compares well with runs elsewhere since nearly 40,000 Detroiters have caught the show in contributing approximately \$15,000, \$16,000, \$14,000 and \$9,000 on successive weeks. The World's Series here has knocked off matinees, but there has been some slight compensation in the out-of-town visitors in Detroit for the ball games.

Dorothy Wolf Quits Leblang

Dorothy Wolf, long occupied in the Joe Leblang office as secretary to the late ticket magnate, then in charge of theatre parties which are a form of cut/rates, is out of the office. She is being replaced by Jane Broder, legit casting agent who has taken on theatre party sales as an adjunct.

Mamie Lemlein is now in charge of theatre parties for the Leblang agency.

Legit Draws a Blank In Bako; 'Pins', \$6,300

Baltimore, Oct. 8. Cancellations and jerking around of bookings keeping matters legit here in the doldrums, with nothing on the calendar but 'Ladies in Retirement,' promised for Oct. 28, at Ford's. Will come in as first of American Theatre Society and Theatre Guild subscription of six plays, instead of previously announced 'The Time of Your Life.' Announcement by Guild of cancellation of 'Susanah and the Elders,' promised for Oct. 21, brought some rather caustic comment in local press.

Last week, return engagement of 'New Pins and Needles,' to the 1,900 seat Ford's at \$2.22, ran into the Jewish holidays and wound up with a mild figure estimated at \$6,300.

ABBOTT SKEDS ONLY 2 SHOWS

Unless his scheduled productions, 'The White Haired Boy' and 'Pal Joey,' are both failures, George Abbott will probably produce only those two shows this season. He has already abandoned the idea of doing a musical version of 'Much Ado About Nothing' and his plans for 'And One for the Lady' are indefinitely postponed. He is still interested in 'Last Judgment,' but has made no decision regarding it.

'White Haired Boy,' the Beatrice Kaufman-Marjorie Martin comedy about a playwright, described as a composite of Clifford Odets and William Saroyan, started rehearsing Monday (7) for a one-week tryout at the Plymouth, Boston, beginning Oct. 28, with the opening at the Baltimore, N. Y., slated for Nov. 8. Sanford Meisner, Alfred Ryder, Betty Garde and Edith Van Cleve head the cast. Donald Oenslager is doing the sets.

'Pal Joey,' the Rodgers-Hart musical with book adapted by John O'Hara from his New Yorker sketches, will start rehearsing Nov. 11, with a cast including Gene Kelly, Vivienne Segal, Jack Durant, June Havoc and Lela Ernst. Robert Alton will stage the dances and Jo Mell-ziner will do the sets. After a road tryout the show will open in New York about Christmas.

'Much Ado About Nothing' was to have had book by Robert Buckner, with score by Vernon Duke, John Latouche and Ted Fetter. However the book treatment didn't suit Abbott, so he dropped the idea. 'And One for the Lady,' comedy by John Cecil Holm, with whom Abbott collaborated on 'Three Men on a Horse,' also hasn't been satisfactorily revised. It may be done next season.

Question of whether Abbott will return to the Coast next summer for another producer-director assignment for RKO apparently depends on the boxoffice reaction to 'Too Many Girls,' which is about to be released.

'Hattie' \$13,400 in N. H.

New Haven, Oct. 8. Shubert season got off to an okay start this year with a three-day session of good biz on 'George Washington Slept Here' following its Hartford break-in. After the Kaufman-Hart comedy came the preem of 'Panama Hattie,' in for four performances last weekend (3-5). Show drew rare comment and grossed an approximate \$13,400, which was \$150 better than the previous high mark of 'Louisiana Purchase.' Exceptional biz was held from further records by five laws, which turned away hundreds.

House currently has preem of 'Second Helping' (7-9), which had a strawhat siring at Stamford last summer. For last half, 'Pins and Needles' is in for four shows.

Another preem set for here is the Guild-Gilbert Miller production starring Helen Hayes and Maurice Evans in 'Twelfth Night.' It comes in Oct. 17-19.

Current Road Shows (Week of Oct. 7)

'Charles' Revue' (Name cast, for British war relief)—El Capitan, Hollywood.

'Easy Does It'—Mayan, Los Angeles.

'Hell-Bent for Heaven'—Musart, Los Angeles.

'Ladies in Retirement' (Flora Robson)—Harris, Chicago.

'Lady in Waiting' (Gladys George)—Booth, Boston.

'Life with Father' (Lillian Gish)—Blackstone, Chicago.

'Life with Father' (Dorothy Gish)—Civic Repertory, Boston.

'Little Foxes' (Tallulah Bankhead)—Michigan, Jackson, Mich. (2); Pallace, Flint, Mich. (8); Temple, Saginaw, Mich. (9); Gladner, Lansing, Mich. (11); K. K. K., Grand Rapids (11); Shrine, Ft. Wayne (12).

'Male Animal' (Elliott Nugent)—Selwyn, Chicago.

'Man Who Came to Dinner' (Clifton Webb)—Cass, Detroit.

'Meet the People'—Grand Opera House, Chicago.

'Meet the People'—Music Box, Hollywood.

'Panama Hattie' (Ethel Merman, James Dunn)—Shubert, Boston.

'Philadelphia Story' (Katharine Hepburn)—Masonic Auditorium, Rochester, N. Y. (7-8); Strand, Ithaca (9); Erlanger, Buffalo (10-12).

'Pins and Needles' (The Four Horsemen)—Del. (7); Busnell Auditorium, Hartford (8-9); Shubert, New Haven (10-12).

'Private Lives' (Ruth Chatterton)—Maplewood, Maplewood, N. J.

'Second Helping'—Shubert, New Haven (7-9).

'Skylark' (Gertrude Lawrence)—Paragon, Toledo (7); Hartman, Columbus (8-9); Taft Auditorium, Cincinnati (10-12).

'Susanah and the Elders'—McCarton, Princeton (12).

'Tobacco Road' (John Barton)—Columbia, Louisville.

FATHER'S SOCKO \$16,000 IN BOSTON

Boston, Oct. 8. 'Life with Father,' opening an indefinite engagement at the Repertory here last week, did terrific biz, indicating a big run was in prospect. 'Boyd's Shop,' in the first of a two-week stay, did very well at \$1,650 top.

'George Washington Slept Here' had to curtail its engagement due to the illness of Ernest Truex, but did neat biz during its stay.

Estimates for Last Week

'George Washington Slept Here,' Plymouth (2d wk) (1,480; \$2.75). Capacity biz most of the time for this one, which has been worked on considerably since the Hartford preem. Got around \$11,000 in the last seven days.

'Life With Father,' Repertory (1st wk) (965; \$2.75)—Local press lauded cast headed by Dorothy Gish and Louis Calhern. Barrett in charge of settings and topped \$16,000.

'Boyd's Shop,' Copley (1st wk) (1,038; \$1.65)—Received cordial notices and a good comment, garnering dandy \$6,000.

FREDDIE SCHADER NOW J. J. SHUBERT'S DET. REP

Freddie Schader, who has been publicist for a number of enterprises in Detroit, has been appointed personal representative of the J. J. Shubert, who will present musical stock at the Wilson theatre starting Saturday (12). Understood that Shubert has taken a two-year lease on the house and plans a season of 30 weeks, each attraction playing two weeks and then slated to move to the Harris, Chicago, where a similar season is slated.

First attraction is 'Unfaithfully Yours,' which was called 'Du Barry' when originally presented on Broadway with Grace Moore. Michael Bartlett and Nancy McCord will play the leads. Claimed the book has been modernized and additional numbers by Irving Actman interpolated. Carl Randall is staging the dance. Watson Barrett in charge of settings and Buck Warnock staged the musical numbers. Lou Kaliski is the house manager.

Second show will be 'Cocktails 5 to 7,' which has a Franz Lehár score. Will be followed by 'Too Many Girls,' 'The Three Waltzes' and 'Higher and Higher.'

B'way Recovers From Moving Day And Holiday; Wynn Great \$25,000, Ditto Jolson, \$28,500, 'Night', \$16,000

'Skylark' OK \$11,700 In 4 Indpls. Shows

Indianapolis, Oct. 8. The English theatre opened the legit season here Thursday (2) with a nice turnout to welcome Gertrude Lawrence in 'The Skylark.' Play stayed for four night performances and Saturday matinee, with healthy attendance at all showings, getting estimated \$11,700.

Next in is Tallulah Bankhead in 'Little Foxes,' due Oct. 17th.

'LADIES' WEAK \$8,500 IN CHI

Chicago, Oct. 8. Four shows in town tonight, but business was not happy last week. The two new entries failed to stir up any real public reaction, despite the fact that the critics were impressed.

'Meet the People' got away to sellout opening on Saturday (29); but then fell off to disappointing business. First American Theatre Society Theatre Guild show, 'Ladies in Retirement,' also got plenty of critical approval, but the psychological mystery is failing to draw much patronage other than the regular subscribers.

Estimates for Last Week

'Ladies in Retirement,' Harris (1st week) (1,000; \$2.75). First of the ATS subscription season not getting much traction from the outsiders and slated for only a fortnight's stay. Took \$8,500 in first week.

'Life With Father,' Blackstone (33d week) (1,200; \$2.75). Ended off somewhat but some performances still sell out; \$13,700.

'Male Animal,' Selwyn (4th week) (1,000; \$2.75). Slumped just a little during the midweek, but held generally at \$11,500.

'Meet the People,' Grand (1st week) (1,300; \$2.75). Opened to \$3.30 and got some money into the safe, but the rest of the initial week was on the toboggan to finish first session to \$11,000.

ARTHUR SWANSTROM DIES IN N. Y. AT 52

After a varied career, Arthur M. Swanstrom was suddenly dying (4) following a stroke. Author-composer, who was 52, was found on the grounds of John Hoagland's home at Scarsdale, N. Y., where he had been residing and was removed to a hospital in White Plains, never regaining consciousness. Although fairly well off financially at one time, Swanstrom was in straitened circumstances at the time of his death. When informed of his condition, the American Society of Authors, Composers and Publishers ordered every attention given him and took care of the burial.

Swanstrom had been under the care of Dr. Leo Michel for years, having high blood pressure which could not be corrected. He visited the physician in New York on the morning of his passing, being highly elated at having had his first straight play accepted for production. Understood he was once engaged to wed Eunice Healey who is appearing in 'Hold On to Your Hats' (Shubert, N. Y.). Word reached her during the night performance and she sobbed through the finale.

Perhaps his outstanding lyric was 'The Portuguese, the Argentines and the Greeks.' He wrote any number of vaudeville acts and night club shows. Height of his career was the presentation of 'Sons o' Guns,' in which the late Jack Donohue was starred. Swanstrom writing the score with Benny Davis and J. Fred Coots. 'Guns' was produced in 1929 by Bobby Connolly and Swanstrom and proved a smash musical. They could not follow it up, however, and after putting 'Princess Charming' their managerial efforts stopped.

He contributed the score for 'Hold Your Horses,' produced in 1986.

Swanstrom's professional start was as a ballroom dancer. His father was formerly prominent in Brooklyn politics and was president of that borough.

Estimates for Last Week

Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Opera), B (Ballet).

'Boys and Girls Together,' Broadhurst (1st week) (R-1,412; \$4.40). Another new musical to win rave notices; Ed Wynn show opened last week (1) at \$7.70 top and in seven performances got nearly \$25,000; can normally top \$29,000 in eight performances.

'Boyd's Daughter,' Booth (1st week) (C-1,123; \$3.30). Opens Friday (13). Staged by Horace Schmiedlapp, Jos. M. Gates and Lee Shubert, written by St. John Ervine; tried out in Boston under title 'Boyd's Shop,' suddenly added to week's docket.

'DuBarry Was a Lady,' 46th St. (44th week) (M-1,375; \$4.40). Was affected early last week when attendance generally dipped; estimated nearly \$16,000; moves to Royale Oct. 21.

'George Washington Slept Here,' Lyceum (C-1,004; \$3.30). Postponed because of knee injury to Ernest Truex.

'Hellzapoppin,' Winter Garden (107th week) (R-1,671; \$3.30). Not worrying about long staying laugh revue, which was somewhat affected early in the week, then back to capacity; \$30,500 quoted.

'Hold On to Your Hats,' Shubert (4th week) (M-1,405; \$4.40). Jolson didn't draw capacity of Jewish New Year; takings of new sock musical rated at \$25,500.

'It Happens on Ice,' Center (R-3,261; \$2.75). Presented by Sonia Heni and Arthur Wirtz; ice revue with Joe Cook (non-stark) staged by Leonidoff; ensembles by Catherine Littlefield; opens Thursday (10).

'Johnny Belinda,' Belasco (3d week) (D-1,000; \$3.30). Went up somewhat last week, with takings estimated around \$4,500, but show needs more to better than break; spending coin on promotion.

'Journey to Jerusalem,' National (D-1,162; \$3.30). Opened Saturday (1); biblical drama drew doubtful notices.

'Life With Father,' Empire (48th week) (C-1,095; \$3.30). Straight play leader not affected and looks set to span the new season; grossing better than \$16,000.

'Louisiana Purchase,' Imperial (19th week) (M-1,450; \$4.40). List leader also held to its age and figured at \$16,000; \$3,000 against.

'Man Who Came to Dinner,' Music Box (51st week) (C-1,102; \$3.30). After pulling great comeback, dipped under \$15,000 last week; still quite profitable at this level.

'Second Helping,' Hudson (C-1,094; \$3.30). Presented by Walter Bachelor and Monte Prosser; written by David Carey; tried, but in summer stock; opens Saturday (12).

'Separate Rooms,' Plymouth (28th week) (C-1,107; \$3.30). Making weekly profit and engagement indefinite; very little off last week, when takings again topped \$10,000.

'There Shall Be No Night,' Alvin (19th week) (D-1,434; \$3.30). Went off somewhat, but very good at close of \$16,000; \$10,000 more, up final four weeks to better money.

'Tobacco Road,' Forrest (283d week) (C-1,107; \$1.10). No telling how long run leader will continue; making some \$10,000 with takings around \$4,000 mark.

Return Engagement

'Time of Your Life,' Guild (2d week) (D-1,046; \$2.75). Sited another two weeks then to road; business better than anticipated with gross around \$10,000.

Revival

'Kind Lady,' Plymouth (5th week) (CD-865; \$3.30). Doing well and inspiring presentation of other revivals; rated well over \$10,000 last week.

Added

'Sim Sala Bim,' Morosco (4th week) (939; \$2.75). Was supposed to have gone off Sunday night (6), but not better support at weekend and stars at least two weeks more, takings about even break; \$6,000.

Gilbert and Sullivan Repertory

44th St. (1,463; \$2.20). Was slated in first week but announced to continue; first week around \$6,000 after so-so press.

'Road' 7½G in St. L.

St. Louis, Oct. 8. 'Tobacco Road' wound up last of two-week stand at the American Saturday (5) with a take of approximately \$7,500 at \$1.50 top. First week grossed an estimated \$8,500. Total of 11 weeks and 30 performances were played during seven visits in two years by 'Road.'

House dark currently, but relights Monday (14) with Gertrude Lawrence in 'Skylark.'

PM Editor Raps Dull Dailies

Paul Mallon, Washington correspondent, will do a book on how public opinion is guided by government officials via the capital correspondents. It was set in confabs with agent Alan Collins, of Curtis Brown, last week.

OBITUARIES

JOSEPH L. MENCHEN

Joseph L. Menchen, 60, who turned to invention of military devices following a varied career in show business, died in Los Angeles Saturday (5) of a heart attack. He started in the theatre as an electrician on Klaw & Erlanger's production of 'Ben-Hur'. Later, turning entrepreneur, he owned rights, in association with Al Woods, on 'The Miracle'. That was before Morris Gest got it.

As an inventor Menchen is credited with use of the first miniatures in films. He also thought up tracer bullets, liquid fire and the serial torpedo timer for the Government during the last war. His widow, Lois, revealed that at the time of his death he had been working on new armament inventions in which the Army was interested. She believes that engineers working from blueprints drawn by her husband can complete the work.

BERT STODDARD

Albert Dussing, for years a vaudeville headliner as Bert Stoddard, the absent-minded professor, died at his Syracuse home Sunday (6). Last rites today (Wednesday).

A native of Syracuse, Stoddard was an accomplished violinist as a youth, and he attracted the attention of Anna Eva Fay, who started him on a stage career. He made a four-year tour of Europe and later returned to score heavily with a musical number in which he played almost every instrument. The act became Stoddard and Hynes when he married Marion Hynes, his first wife.

For a time, after talkers and radio came in, he conducted an orchestra on Broadway. Recently he had been retired.

Survived by widow, Mrs. Catherine Walsh Dussing, a non-pro, a son, Albert H., and his father, Anthony N. Dussing.

ELSIE MATTHIS

Elsie Matthis, 43 former vaude performer, died of a heart attack Sept. 11 in Hackensack, N. J., while testifying in a divorce proceeding she had brought against her husband, Floyd Martin.

She teamed with her brother in an act known as Bert and Elsie Matthis and also was a member of the comedy dancing act of Math Bros. and Elsie. Starting her career at the age of six, Miss Matthis was especially noted for her kid characterizations.

Besides her brother Bert, who has been in Australia for the past five years with the Williamson-Tait organization, she leaves her mother, two children, and another brother, Billy.

WALTER D. NICOLL

Walter D. Nicoll, 80, theatrical manager, died recently at his Coventry, England, home of heart disease.

He was touring manager for Sir Herbert Tree, business manager for Ellen Terry, and had acted in this capacity in colonial tours for other stars. Later, he became resident manager of various seaside theatres, but retired seven years ago when a leg was amputated.

HENRY LAZARUS

Henry Lazarus, 58, veteran New Orleans theatre owner and operator, died Thursday (3) at a hospital in Amarillo, Tex., while returning home from a vacation trip to California.

Although he had been in failing health for several months, death came unexpectedly. He owned the Center and Coliseum theatres, N. O., and was a half owner of the Circle theatre there. Widow and son survive.

TOM WOOD

Tom Wood, 53, artist at the Walt Disney studio, died Oct. 4 after being struck by a truck in North Hollywood. A former newspaper artist on the Los Angeles-Herald-Express, Wood had been with the Disney organization since 1932.

Surviving is his widow, in a hospital as a result of a motor accident 10 days earlier.

ARTHUR A. CRUMPLEHULME

Arthur Ashton Crumplehulme, 54, resident manager for the Blackpool (England) Tower and Winter Gardens, died recently at his home in Blackpool.

Survived by widow, two sons and daughter.

ROYAL E. FLATT

Royal E. Flatt, 50, former part owner and manager of Idora Park,

Youngstown, O., died Oct. 3 after a stroke following 18-month illness. He managed the amusement spot from 1906 to 1925 and had organized a dramatic stock company that introduced legitimate theatre there.

Widow, son, brother and sister survive.

LOUIS HALLETT

Louis Hallett, 75, veteran theatrical producer and manager, died last week at the Roosevelt Hospital, New York.

Born in Algona, Ia., he headed his own stock company for years and at one time operated a dramatic school in San Francisco. He also produced dramatic sketches for vaudeville. Burial was in the Actors' Fund Plot, Kensico cemetery, N. Y.

CHARLES FERRIER

Charles Ferrier, 57, theatrical and variety agent in London, died suddenly Sept. 15. For many years with Ernest Edelman, deceased, took over the agency business when Edelman died, and conducted it under an arrangement whereby the widow participated.

The agency was some years ago one of the largest in England.

CHARLES H. CLEMENTS

Charles H. Clements died in Detroit Sept. 30. He had been widely known to the Detroit theatre world of another day, having operated the old Metropole Bar in Detroit, rendezvous of motor kings, politicians and stars of the theatre. It closed with prohibition and his later venture into the Chez Paree, Detroit, failed.

ALFREDO OROPEZA

Don Alfredo Oropeza, 73, widely known throughout Latin-America during his career of 55 years as composer and orchestra director, died in Mexico City Sept. 25. He composed some 500 songs and dance numbers.

ROY CUMMINGS

Roy Cummings, 47, stage comic, died Oct. 1 in San Bernardino, Cal., as a result of a fall from a platform under a moving railroad train. His last professional job was that of a clown at the Los Angeles County Fair at Pomona.

Details in vaude section.

FRANK C. SMITH

Frank C. Smith, 68, one of the earliest nickelodeon operators in Illinois and longtime treasurer of the Great Northern theatre, Chicago, died Oct. 2 in Hollywood.

He had lived in California since his retirement 25 years ago.

FRANK H. KELLER

Frank H. Keller, 64, proprietor of theatres in Northeast, Pa., and Westfield, N. Y., and a nephew of the late magician, Harry Keller, died recently at Erie, Pa., after a long illness. Widow and daughter survive.

MRS. JACK LITTLE

Mrs. Tea Little, 36, wife of the band leader, Jack Little, died Oct. 4 of meningitis of the brain in a Brooklyn hospital. Further details in the music section.

ARTHUR M. SWANSTROM

Arthur M. Swanstrom, 52, died of a stroke in White Plains, N. Y., Oct. 4. He was an author, composer and producer. Details in legit section.

Mother, 72, of Nick Lucas, vaude and radio singer, died Oct. 3 in Belleville, N. J. In addition to Lucas, she is survived by three other sons and a daughter.

Morris J. Rosenbloom, 34, theatre contractor and formerly interested in the Yale and Dakota, South St. Louis, died in the Jewish hospital, St. Louis. Widow and two children survive.

Edith Piaf, Trenet May

Tour No-So. America

Paris, Oct. 8. Edith Piaf, eclipsing Lucienne Boyer as a sock cafe attraction, had her South American tour cancelled but may have the commitment picked up as conditions ease.

Charles Trenet, songwriter-entertainer, erroneously reported a war casualty, is another who may soon be able to go to America on a William Morris booking deal.

MARRIAGES

Veronica Lake to John Belie, in Santa Ana, Cal., Sept. 25. Bride is screen actress; he's an art director at Metro.

Jane Shirley (Seyfert) to Andy Carr, in Chicago, Oct. 1. Both are vaude performers.

Margaret Anderson to Harris White, in Des Moines, Oct. 2. He's with Songfellows on WHO, Des Moines.

Maria Ottorfer to Gabriel Develle Oct. 9, somewhere in Maryland. She's a Viennese actress and model; he's a New York cafe man.

Marion Dean Kearney, daughter of Major General Bernard W. Kearney, to George Vernon Lynch, Oct. 5, in Gloversville, N. Y. He is chief film buyer of all Schine theatres.

Myrtle Vail to Eddie Lambert, Oct. 3 in North Carolina. Bride is of the radio team of 'Myrt and Marge'. Lambert a professional contact man.

BIRTHS

Mr. and Mrs. Robert Steele, son, in Hartford, Oct. 3. Father is sports commentator and mikeman at WTIC, Hartford.

Mr. and Mrs. Roland Varno, daughter, in Hollywood, Oct. 4. Father is film player.

Mr. and Mrs. Roy Wilhelm, son, in Buffalo, N. Y., Oct. 2. Father is pianist at WGR-WKBW, Buffalo.

Mr. and Mrs. Fred Carpenter, daughter, in Boston, Sept. 19. Father is a musician at RKO Boston; mother is formerly member of Radio City Music Hall ballet.

Mr. and Mrs. Alistair Cooke, son, in New York, Oct. 5. Father is motion picture commentator for WQXR, N. Y., and is also connected with the Museum of Modern Art's (N. Y.) film library.

Mr. and Mrs. Bob Burns, son, in Los Angeles, Oct. 5. Father is film and radio comedian.

Mr. and Mrs. Bernard Leavitt, son, Oct. 2, in Hollywood. Father is a Coast independent exhibitor.

Mr. and Mrs. Owen Murphy, son, Oct. 4, in New York. Father is author and composer. Mother was Marian (Mickey) Herson on stage.

Legit Critics

Continued from page 1.

were exchanging signals on the sidewalk at intermission time as to whether a show was thumbs up or down, but that is doubtful, and these cry any idea that there is concerted action or opinions.

If there would be any radical changes in the drama departments of the N. Y. dailies, at least three critics have protected themselves by going on the lecture platform. John Mason Brown, Post; Burns, Mantle, Daily News; and John Anderson, Journal-American have made successful lecture tours and could specialize in that endeavor. However, New York's first string reviewers are all capable newspapermen.

The straight play entrants have not come off so well with the critics. Trio of new-ones have arrived, none getting the nod, although Johnny Belinda (Belasco) drew one good notice. Jupiter, Laughs, which stopped at the Biltmore after a brief stay, drew an adverse press, management blaming its failure upon that. 'Journey to Jerusalem', which lighted the National Saturday (5), was in the position to get press plaudits, but the notices were too mild to indicate success. All three are serious plays and that type of show will be hazardous this season, according to indications.

Two other straight shows were favored, however, first being the revival of 'Kind Lady', which is faring well at the Playhouse. The other was the repeat date of 'Time of Your Life', Guild with one exception, 'Life' originally drew good notices, but upon reappearance the William Saroyan work got fresh mention of life rave variety. The main dissenter was Walter Winchell (Mirror) and he continues to take pot shots at the play every now and then.

The life drama, the critics' prize was attributed to two reviewers who led the van in hailing Saroyan, but they had nothing to do about the play also winning the Pulitzer award. Anyhow, the Saroyan bubble burst recently when three of his plays tried out in summer theatres and were rated duds. Author had been talking plenty, stating from the time he rejected the Pulitzer prize money (\$10,000), but recently he has been very quiet.

Knute Rockne Preem

Continued from page 5

depot by some 25,000 was three times as big as that accorded Wendell Wilkie in one of the bigger towns in his home state. Pat O'Brien, who portrays the part of Knute Rockne in the picture, was taken into the arms and hearts of the home folks as though he were Rockne himself. Mrs. Bonnie Rockne was there to greet him with her children and Knute's sister. Also great was the ovation tendered to all of the party, including Franklin D. Roosevelt, Jr., who came on to present a personal message from his father to Mrs. Rockne; Bob Hope and Charlie Ruggles, joint m.c.'s of the expedition, Gail Page, who plays Mrs. Rockne, Donald Crisp and Ronald Reagan, also principal characters in the film, and Kate Smith and Rudy Vallee. Greetings and presentation of all the celebrities took place on a special built platform in front of the depot, followed by parade to the hotel through the main thoroughfares of the town.

Then it was a short rest and the visitors did a little etherizing from the lobby of the Oliver hotel on the Vox Pop program over CBS, specially arranged to be aired from there. Hope, Ruggles and others did plenty of clowning and also grabbed off a bit of coin for right answers.

The group was escorted to the Notre Dame dining hall where the official banquet was held. Around 1,200 filled the room. A national hookup over Mutual was arranged with Bill Bacher and a most dignified presentation was made.

The principals of the picture, Notre Dame executives and important visiting personnel were introduced, with FDR, Jr., reading his father's eulogy of Knute to Mrs. Rockne over the air and then presenting the epistle to her in person. On the dais were Frank Walker, postmaster general, Kate Smith, newspaper publishers, editors, prominent citizenry as well as the galaxy of notables from stage, screen and radio.

The day of premiere was launched with a luncheon given visitors by Mayor and Mrs. Jesse Pavey at the South Bend Country Club, followed by screening of the film to the players in the Notre Dame college theatre, with some 2,200 students viewing it with them.

Then Kate Smith, in her show over CBS, included a dramatic bit from the film, with O'Brien, Crisp, Reagan and Page participating in their respective roles. She repeated the stint again for the west coast broadcast at 11 in the evening. Miss Smith brought on some of her staff and musicians from New York and was also given the services of the Notre Dame glee club and band for the show.

Personal Appearance Trek Then started the personal appearance trek. It covered four theatres where the picture was premiering, State, Colfax, Granada and Palace, with a combined seating of 10,000, plus some 25,000 people who lined the streets in front of the Granada and Palace, where a bridge had been erected across the street to enable the players to go from one theatre to the other.

A show was put on with talent that one sees only once in a lifetime together. Hope did the m.c. job. Rudy Vallee, who came on from New York, sang, Ruggles cut up, Franklin D. Roosevelt, Jr., who would make a stage or screen personality, clowned and lauded Rockne. Show ended up with a mass football team formation going through maneuvers, including an emulation of the stunts of the famous Four Horsemen.

If ever Hollywood was able to show the town that is the home of the 'Legion of Decency' entertainment that was clean, wholesome, impressive and educational, this was it.

There was a Grand Ball, too, at which Ruggles split the m.c. tasks with Vallee, a natural in a dancehall. Vallee has a new one in his p.a. slint, introducing his father, Charles Alphonse Vallee, retired, druggist of Bangor, Maine.

Early Saturday morning it was more autographing, visiting St. Mary's college, where some 400 girl students and nuns played hostesses to the folks, after which a trek to the Rockne Memorial stadium for the Notre Dame-College football game and radio greetings between the halves over Mutual immediately following the World Series broadcast. And then to the depot and for home. It was a perfect stunt for the Warner group. Charlie Einfeld and his staff missed nothing from the selling of the radio trip. They were perfect and cost nothing. Bob Taplinger ar-

ranged the eastern talent, as well as selling F. D. R. Jr. The Hollywood brys, George Schaefer, Bill Rice and Irving Rubine, who had been the four-week advance guard of the pilgrimage, did a corking job.

WB's 'Rockne' Buildings in Pitt

Pittsburgh, Oct. 8. WB tied in here with Notre Dame Club of Pittsburgh for midnight premiere Thursday (11) of 'Knute Rockne'. Al Diebold, Jr., chairman of the event and peddling ducks at advanced prices, with club's share of the proceeds, going to establish couple of scholarships to Notre Dame for deserving Pittsburghers.

In addition, Joe Feldman, Warner advertising chief, has been corraling a flock of advance publicity for picture by getting a separate search for sports editors, critics, local university football teams, the Pittsburgh pro squad and Jock Sutherland's Brooklyn Dodgers. Boys have been liberal with their space and film has knocked down gobs of free columns.

The columnist deluge continued over past weekend when town's three crux, Karl Krug of Sun-Tite, Kaspar Monahan, of Press, and Harold W. Cohen, of Post-Gazette, travelled to South Bend for program of 'Rockne', accompanied by Feldman.

Reply to Paine

Continued from page 39

to which Mr. Paine constantly objects. Mr. Paine nowhere gives his own estimates of what ASCAP is demanding. He attempts to cast doubt upon the accuracy of the broadcasters' figures by pointing out that the industry's estimates have increased since they were first announced. There is a logical explanation of this increase. VARIETY on April 3, 1940, estimated that the cost of an ASCAP license for 1941, on the basis proposed by ASCAP, would be \$8,750,000. This estimate was made before the definitive form of the contract was issued, and it assumed that a cover percentage would apply to stations with incomes up to \$250,000. When the contracts were issued, the lower percentage applied only to stations with incomes up to \$150,000. The proposed contract as issued also levies a tax on line-charges, certain talent costs and on other items which have hitherto been exempt and these items all tend to raise the estimate. Both on VARIETY's estimate and on the basis of calculations by the broadcasting industry, the figure which ASCAP is demanding is in excess of \$9,000,000. If these estimates are incorrect it would be interesting to have Mr. Paine give us ASCAP's authoritative figure as to what it calculates the new contracts would produce on the basis of 1939, 1940 and estimated 1941 income.

BMI IS INDUSTRY-WIDE Mr. Paine also infers that BMI is dominated by the networks. This is not the case. BMI, unlike ASCAP, has no self-perpetuating board. All of its stockholders have equal voting power, and the networks own less than 18% of the stock of BMI.

Mr. Paine in his letter says, 'The 100,000 of Mr. Paine'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.'

I again refer persons who are interested in the facts of the FCC table of July 23, 1940, as printed in VARIETY in its issue of July 24, 1940. These are the authoritative figures on the broadcasting industry's income for 1939. In this table there are three consecutive items:

GRAND TOTAL TIME	
SALES	\$129,468,026
Deduct commissions	
NET REVENUE	17,405,414
FROM SALE OF TIME	112,062,612

In other words, Mr. Paine quotes as 'net income' the figures which the FCC calls 'GRAND TOTAL TIME SALES', and disregards, in his effort to label me inaccurate, the Commission's own statement of 'NET REVENUE FROM SALE OF TIME' which I quote. Mr. Paine chooses to select this instance as the outstanding example of the 'looseness' of my statements. I can only say that I am glad to accept Mr. Paine's test of comparative veracity.

Neville Miller, President, NATIONAL ASSOCIATION OF BROADCASTERS.

WHAT THEY THINK

A Credit for Willson
Hollywood.

Editor, VARIETY:

In rereading a back issue of VARIETY (Aug. 14) I have noticed a story on Page One in which you do an unwitting injustice to a very fine musician, Meredith Willson. In your story of Charles Chaplin 'The Great Dictator,' you state: 'Chaplin wrote much of the score and is now not only directing the orchestra which is recording it, but is playing some of the music himself.'

As a matter of fact, Willson, who is a well-known radio and symphonic composer and conductor, not only is given credit in Chaplin for writing about 50% of the original music, but did all the scoring, hired the orchestras (not one but four different orchestral groups) and conducted them himself for all the recording.

Chaplin worked daily with Willson on the melodic themes and remained in the recording studios throughout the recording, discussing with Willson all changes as they went along and making many suggestions, but, of course, played no instrument himself nor wielded the baton at any stage. The picture will carry a full credit card for Willson as music director. He is mentioned nowhere in your story, which seems a regrettable slight.

Coy Williams.

It's Book-a-Week Club
New York.

Editor, VARIETY:

We notice a report in VARIETY that we are placing some five minute spots for Book-of-the-Month Club. This is obviously a confusion. We are placing some business for Book-a-Week Club. The Book-of-the-Month Club is not a client of ours.

Very truly yours,
H. C. Morris,
President, H. C. Morris Agency.

Clarifying CKCA

Kenora, Ont.

Editor, VARIETY:

In an issue some weeks ago you carried a news story regarding CKCA in Kenora under the date line, Winnipeg. I would appreciate your correcting the impression given about the station.

At no time was CKCA owned by Star. It always was Gray's Hotel. The station was owned by a company formed in Ontario which Mr. Star was the president of and Mr. Gray was asked to act as local director. The Hon. Peter Heenan was not even on the list of share holders but as Member of Parliament he is very naturally interested in the station.

I am one of the few who knows the exact extent of his interest and I can assure you that the suggestion that he was 'filling in' is pure nonsense. I organized and opened the station according to instructions given to me and in conformity with the original plans which were, however, not carried out. There was not a particle of mystery about it. The unfortunate part is that I would give you the facts which I would explain in the sequence of events, they would not reflect upon the station at all but rather show that a lot of bad and incorrect advice was given to the directors by people who should have known better.

I was set out as a sequence—that advice. The other two men were brought in to carry out the policies laid down by the advisors. There is no need to give you a detailed explanation of what happened beyond to say that the advice was bad and proved so. A good, loyal and efficient staff was disbanded and I know where everyone of them is placed; as a result of the mistake made last fall, I was recalled to the job in June. Apparently, some disgruntled person gave the information which you published, but let me tell you that their statement of facts is very far short of the truth. What was wrong, was the fault of people within the business who could not perform the wonders they promised. Since my return and the reorganization of the station, the Board of Trade and the Press and Labour Council have officially endorsed and supported the station, every organization in the district is giving it solid support and more than 800 local residents are financially supporting the station. Local advertising has increased. The listening audience which had been lost, has now returned and we are providing at least 85% coverage in this territory. We are sending out a better signal and we have the complete confidence of the people.

There has never been any mystery about CKCA. There have been, as is the case in many stations, bad mis-

takes and again, as in many stations, due to listening to high-faloot, high-pressure assertions that just don't 'jell' in practice. I know this station will not be a world beater. It will be a sound, dependable station and it will serve its territory fully and completely. It is being operated for the benefit of this community and it is doing that job thoroughly. Anyone that wants to get advertising into this territory, will find that CKCA alone can do that job. We know the geological conditions here and for that reason we are not talking through our hats. The 'advisors' did not know the conditions here. Just as I would not tell you how to run a newspaper or a radio station in Chicago or New York or Peoria so any person assuming to know this region by 'remote control' has another guess coming.

Gerald F. Bourke
Manager, CKCA.

Against Maligning Actors
East Islip, N. Y.

Editor, VARIETY:

There are many, no doubt, who take exception to a line delivered by a very good comedian, one who is even being lauded by other comics, active and retired. Yes, and by comedians who have made the world laugh, and know a humorist when they hear one do his stuff. The distasteful remark in question was to the effect that he (the radio gagster) dragged a piece of liver on the end of a long string up Broadway and that a hundred actors followed it while sniffing. Meaning, of course, that the actors were hungry.

Anything said about an actor creates laughter by the radio listeners and certainly gives a bad impression and degrades the theatrical profession, which was built up by artists who displayed their extraordinary talents before the world at large, and which made it possible for managers to build palatial theatres from Maine to California, and that takes in those on the other side of the Atlantic Ocean.

Like several laborers who made the automobile possible, artists of the stage helped the manager. I say these words about managers for the good reason they, too, should resent slanders toward the people of the stage. This being so, why the ridiculing of stage artists who have lived and died with little or no thanks for their heart-breaking efforts?

The same as all human beings, the stage artists feed off those that preceded them in the profession, like a mother teaching her child how to walk. The last man to poke fun at those of his own calling should be the ones who are on top, and not betray his unfaithfulness and ingratitude.

George Felix.

Squarer for AGVA
Oakland, Cal.

Editor, VARIETY:

They say it takes a man to say he is wrong and to come out in the open with it. Well, here goes:

As you know, some time ago I wrote you in regard to the AGVA and Ripley's at Treasure Island, Calif. Happy to say we had several of the officials call and we all went over our questions and everything came out in fine shape. This is only fair to Mr. Mack Bybes, Mgr., and his personnel, and Mr. Frank Zambruno.

May I say this in closing, Believe it or Not! We opened the show May 25, 1940, 11 a.m. Dick Ward, Asst. Mgr., and we closed the show Sept. 29, 1940, 2:15 a.m. Jack Ford and we did so with a heavy heart and tears in our eyes, for many things went through our minds in that few minutes. We surely appreciated Mr. Zambruno's gift as we passed out of the office—a real gift. This goes for all of us.

Thanking you for your interest, also the future.

Clarence L. Rivers,
(Hotel Woodward.)

Bad Radio Dictation
New York.

Editor, VARIETY:

Now that news-commentators are attracting such widespread interest on the radio networks, permit me to call attention to the fact that many of these gentlemen might well inquire about the correct names of pronouncing English names of people and places. Raymond Gram Swing, Gabriel Heatter and a few others are of course not included in this criticism.

Show people who have appeared professionally in London must be bewildered when newscommenta-

tors refer to London's Bow Street as 'Bough' instead of 'Bo,' and who call Leicester Square 'Lle-est-or' instead of 'Lester.' Day after day, and night after night, an unintended bit of 'humor' is introduced into the tragic accounts of German bombings when American speakers mispronounce English words.

I firmly believe that the radio is a means of education, as well as of entertainment, but it would seem that certain 'news-commentators' should educate themselves before being placed in positions where they are supposed to inform us. Perhaps they believe that if many governors and senators and congressmen can get away with not only murdering 'The King's English' but also 'the President's English,' they can do likewise! Tuning-in on both the Republican and Democratic Conventions, our ears were assailed with all sorts of dialects and mispronunciations including the constantly repeated phrases 'Ladies and Gentlemen' and 'My fellow Americans.'

Harold Seton.

ZIVIC TRIPS ARMSTRONG FOR WELTER CROWN

By JACK PULASKI

Henry Armstrong, the little colored scrapper from Los Angeles, who formerly packed dynamite in his fists and who once was featherweight, lightweight and welterweight champion simultaneously, was all but knocked out by Fritz Zivic of Pittsburgh Friday (4) night at Madison Square Garden. Contest was a sensational surprise, Armstrong going into the ring a one to four favorite. He fell flat on his face from a right to the chin as the bell rang ending the 15-round battle, and it was then announced that Zivic won the welter crown.

The one-time Coast wonder got what he has been giving opponents for the past three years. It is possible that Armstrong will be in the retired class one day. Zivic is one of five fighting brothers, but the first to win a crown. He is accurate in punching and can take it.

Jolson's Interest

It was feared that Armstrong could not go on indefinitely, because the pace with which he fights is always terrific. Boy has been the meal ticket for Eddie Mead, who bought Armstrong's contract with the backing of Al Jolson. Star has participated in Armstrong's earnings, but recently there has been some trouble between the manager and Jolson. Mead's phoned Jolson on the day of the contest, saying the financial end would be straightened out the following day. He also said Henry was in better condition than he had been for a year. That appears to have been incorrect, for it was known that the boy hurt his foot in a recent scrap in Washington, when he kayoed his opponent.

However, that wasn't important against Zivic. Colored boy's eyes were cut and puffed and during the last four rounds he was virtually blind. Proving that Armstrong has gone bad, Zivic was hardly marked, although he received hundreds of wallows.

Last Round Decided

It was the last round that really determined the winner. Arthur Donovan, referee, had it all even up to the point. Some ringsiders counted 10 rounds in favor of Armstrong and it looked like he won at least eight of the first 11 rounds. There were sessions when the Coast kid hit Zivic 10 for one and on actual points he was far in the van. Then the Pittsburgher realized that 'perpetual motion' was not hurting him. Fritz started to stand off Henry with hooks and uppercuts that finally had Armstrong on the skids. Even he had without any particular claim to fistic fame, Zivic was a revelation.

Armstrong was never knocked down, before around New York and was rated as invincible among little men. When he hit the deck it was from fatigue rather than a punch from Zivic, but Donovan said later it was a blow that sent him to the canvas. A few insiders cashed in by taking the short end.

No fights at the Garden until Nov. 1, arena being now occupied by the Rodeo.

THEATRE'S CAREER ENDS

Tokyo, Sept. 8.

The Imperial theatre, pride of Tokyo, will end its 30-year career to be converted into offices for the Cabinet Information Bureau.

The theatre's end came just as it had been decided to organize a National Theatre of Japan and house it in the Imperial.

Football

By Dick Fishell

(WHN, N. Y. Sports Commentator)

Villanova-Florida

The 'Gators of Florida are rising in the football ranking, but Villanova, under 'Clipper' Smith, is loaded with high calibre material. A victory for the North.

Manhattan-Boston U.

Herb Kopf's Jaspers are a scrappy aggregation. They were upset by George Washington last week but should bounce back for a decision over the Bean City boys.

Brown-Colgate

The Brown Bear lost a major factor with the graduation of John McLaughry. Colgate is much better than its score against Cornell would indicate, and so should get back in the win column led by Geyer.

Harvard-Michigan

Harvard's front wall was depleted by the diploma method. The Crimson is stepping out of its class against Tommy Harmon and Co. Should be a lopsided victory for the Wolverines.

Holy Cross-Carnegie Tech

The favorite here, Holy Cross, showed nothing while losing to L.S.U. Tech is untested as yet, but from all reports has strong first team with no reserves to speak of.

wagonful of talented balloters. The only edge in this setup must go to the Ohio State forward wall, and that gives the Buckeyes the honors.

Nebraska-Indiana

Indiana's only hope is wrapped around Al Hirsch. But the aggressive Cornhuskers of Nebraska should stop his passing game.

Notre Dame-Gorgia Tech
If a major upset is to be looked for, here's the perfect spot for it. Tech has a strong crew that will go places if it hurdles the Irish. But we'll stick with Notre Dame.

Michigan State-Purdue

Here are two evenly matched teams, with Purdue having a better passing game while State is more proficient in the air. Playing at East Lansing, it's the underdog, Michigan State, who should win.

Illinois-U. S. C.

Illinois is good but cannot match the superior manpower of the Trojans. U. S. C. starts to roll.

Iowa-Wisconsin

Wisconsin was impressive in swamping Marquette, but Iowa, without Nile Kinnick, is well balanced and well coached. Dr. Eddie Ander-

Probable Football Winners

(And Proper Odds)

GAME	WINNER	ODDS
Villanova-Florida	Villanova	2-1
Manhattan-Boston U.	Manhattan	2-1
Colgate-Brown	Colgate	9-5
Harvard-Michigan	Michigan	5-1
Holy Cross-Carnegie Tech	Carnegie Tech	5-9
Pennsylvania-Yale	Penn	4-1
Princeton-Navy	Princeton	3-1
Army-Cornell	Cornell	4-1
Fordham-Tulane	Fordham	9-5
N.Y. U.-Syracuse	Syracuse	Even
Fitchburg-S.M.U.	S.M.U.	2-1
Dartmouth-Columbia	Columbia	6-5
Boston College-Temple	Boston College	3-1
Northwestern-Ohio State	Ohio State	8-5
Nebraska-Indiana	Nebraska	2-1
Notre Dame-Gorgia Tech	Notre Dame	2-1
Michigan State-Purdue	Michigan State	Even
Illinois-U. S. C.	U. S. C.	12-5
Iowa-Wisconsin	Iowa	6-5
Arkansas-Baylor	Baylor	8-5
Auburn-Mississippi State	Auburn	8-5
North Carolina-T. C. U.	T. C. U.	7-5
Rice-L. S. U.	L. S. U.	7-5
U. C. L. A.-Texas A. & M.	Texas A. & M.	3-1
Texas-Oklahoma	Texas	11-5
California-Wash. State	Cal	Even
Stanford-Santa Clara	Santa Clara	Even
Washington-Oregon	Washington	4-1
Georgia-Mississippi	Miss.	Even

Paced by George Muha, Carnegie Tech should win.

Pennsylvania-Yale

Yale is a total loss. Penn is well manned at all positions and should start its Ivy League season by blasting the Bulldogs out of the Stadium.

Princeton-Navy

The Annapolis talent is below par and has a tough season with no real prospects for a major victory. The Tiger running game was nil against Vanderbilt but should perk up to sink the Navy.

Army-Cornell

These Cadets have no bright future. They're facing one of the nation's greatest squads and it might be a matter of just keeping the score down to a respectable size.

Fordham-Tulane

The Ram will take to the air and hand Tulane its third defeat.

N.Y.U.-Syracuse

The Violets were upset by Lafayette and played sloppy ball. Syracuse, snowed under by Northwestern, is not as bad as it looked against the midwestern power. The Orange should rebound to get the nod over the New Yorkers.

Pittsburgh-S.M.U.

Pitt was on the upgrade in turning back Missouri. Its opponents are one of the finest groups of mole-skinners in the land. S.M.U. will rattle-dazzle its way to a solid victory.

Dartmouth-Columbia

Dartmouth's defeat by Franklin and Marshall doesn't tell the whole story, as F & M is really loaded and could defeat many big-league schools. Playing at Hanover, the Dartmouth Indians, however, don't seem to have quite enough for the Lions.

Boston College-Temple

This picture is all B.C., as the Eagles are headed for national honors. Their versatile attack should have no trouble.

Northwestern-Ohio State

Here are two strong squads and a

son pulls one out of the hat by leading his boys to a victory.

Arkansas-Baylor

Arkansas is a weak sister while Baylor is the dark horse of the Southwest Conference. The Baylor Bears get under way with a victory.

Auburn-Mississippi State

Here's a tossup, with both teams having many virtues. But the Auburn backs can do more things, and that gives them the edge.

North Carolina-T. C. U.

North Carolina has only a passing attack that so far has proven inept. Texas Christian is on the way-back to fame and fortune and should defeat the Tarheels.

Rice-L. S. U.

Neither is going any place in their respective conference races. On its aerial game Louisiana State gets a slight edge.

U. C. L. A.-Texas A. and M.

The Texas Aggies will commence to stampede their way to a top spot in the national ranking by getting a decisive victory over the Uclans.

Texas-Oklahoma

Sparked by Jack Carrin, the Texas Longhorns will stay on the right side of the road.

Wash. State-California

Washington State is stronger than usual, but lifted by its victory over St. Mary's, the California Bears have enough to come home in front.

Stanford-Santa Clara

A close game, but Santa Clara gets the edge because Stanford has not yet absorbed its new offense.

Washington-Oregon

Washington Huskies open their drive for the conference crown by putting Oregon to rout as McAdams makes headlines.

Georgia-Mississippi

Here's an even-steps game, with the Georgia sophomores rated high. The experience of Ol' Miss should be the deciding factor in a hard-fought game. Georgia goes down to defeat.

IF A GIRL WANTS
LOTS OF DATES
SOFT, SMOOTH SKIN'S
IMPORTANT!

SO YOU CAN'T START
TOO YOUNG TO TAKE
GOOD CARE OF YOUR
COMPLEXION

I ALWAYS USE **LUX SOAP**
ITS **ACTIVE** LATHER IS A
WONDERFUL HELP IN
KEEPING MY SKIN NICE!

DEANNA DURBIN

SHE'S A SWEETHEART—with her bright smile and fresh, rose-petal skin! And wise—because she knows even smooth, young complexions need *thorough, gentle care*.

Take Hollywood's beauty tip! Use Lux Toilet Soap *regularly*. 9 out of 10 screen stars do! **ACTIVE-LATHER FACIALS** with this fine soap are a wonderful aid in keeping skin lovely.

Here's all you do: Pat the rich Lux Toilet Soap lather into your skin, rinse with warm water—then a dash of cool—and pat lightly to dry. Try this gentle beauty care for 30 days. You'll find it really *works!*



Deanna Durbin

In Universal's

"Spring Parade"

Now Showing Locally

9 out of 10 Screen Stars use Lux Toilet Soap

SCREEN

RADIO

MUSIC

STAGE

VARIETY

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MUSIC FIGHT TO A FINISH

A Closeup of London Under Fire, By Quentin Reynolds of Collier's

London, Oct. 7.
Mr. Mark Hanna,
Hotel Pierre,
New York City.
Dear Mark:

There is, of course, no getting away from you or VARIETY. I spent last weekend with Sidney Bernstein, who owns a string of theatres here. When war came he gave up everything and took a job with the Ministry of Information. A helluva man! He told his general manager just how much he and his brother had. He told them to fire no one and not to close a theatre until every cent that he and his brother had was gone. Then there would be no alternative.

One by one his theatres have been bombed out of existence. His big picture theatres, which used to gross £2,000 a week now gross £100. But the only ones closed are those closed by the Germans. Meanwhile the hundreds and hundreds of people on his payroll continue on his payroll. I'd like to stick that down the throats of a few heels you and I both know in New York and points west. But that isn't what I started to say. Sidney has a lovely farm in Kent. I

(Continued on page 60)

20TH BIRTHDAY FOR RADIO BIZ

Washington, Oct. 15. Twenty candles will be stuck into radio's birthday cake on Nov. 11—to cover a celebration which will last until Nov. 30.

Marking 'Radio's 20th Birthday,' Neville Miller, prexy of the National Association of Broadcasters, sent out a broadside to radio stations reminding station-owners that this 'is an important and significant anniversary' affecting 'almost all of the 132,000,000 persons residing in the U. S.'

Blessings of a 'free radio' should be appreciated by all those who are passing through a 'national emergency,' Miller added.

WB TESTS NEWSMAN FOR BIOG OF HIS DAD

Hartzell Spence, United Press exec., is being screen-tested today (Wednesday) by Warner Bros. in New York to play himself in 'One Foot in Heaven,' biography of his father which he sold to WB a couple months ago. Father was a New England minister.

Should the tests jell, Spence would be the first author to play in a picture of his own book. He is manager of promotion and special service for UP.

Older, But Dearer

The way old-school theatre ideas are being peddled these days at inflated b.o. prices, Harry Hershfield observes:
'The theatre is now in its tent-and-\$3.30 era.'

MIAMI FRANKLY EXPECTS OK ON GAMBLING

Miami, Oct. 15. Lifting a leaf from the cut-rate, cloak-and-suit curriculum, bookies here after Nov. 1 will woo gee-gee players with a 'walk up one flight, but no savings promised' pitch.

Ruling is in preparation for a wide-open season, and part of a plan to make this phase of open law violation more refined. It will freeze out majority of small cigar stand and curbstone locations, making entire setup a little less brazen than it has been during the summer.

Outside of the bookie setup it will again be a case of just a few nice home-operating spots running. Weighty matter of deciding just who are the 'nice home boys' and what constitutes not-to-be-tolerated competition is somewhat vague, but general opinion is that local syndicate will serve on the bench.

German Alien Runs Into Grief Promoting Sports Show for British Relief

Oakland, Cal., Oct. 15. Gilbert and Sullivan thought the policeman's lot was not a happy one, but they died before hearing the story of Freddie Sommers, Hollywood promoter and his melancholy experience with a mammoth sports show for the benefit of the British War Relief Fund.

Sommers started his affair by lining up such celebrities as Errol Flynn, Madeleine Carroll, Ginger Rogers, Frank Kovacs and Bobby Riggs, and plotting a fete at the San Francisco Civic Auditorium for Oct. 20. He hit his first snag when apprised that the auditorium was not available due to the 25th Pacific Auto Show with Bob Hope as star.

So Sommers moved his scene of operations to Oakland and promptly began to experience trouble in a

(Continued on page 63)

BROADCASTERS SEE NO PEACE

Memories of 1935 Bickerings
Within Broadcasting Business
Now Help Prevent
Negotiations — Time for
Showdown Approaches

BATTLE OF NERVES

The radio broadcasting industry and the American Society of Composers, Authors and Publishers may go to a knockdown decision after Jan. 1, 1941, partly, if not entirely, because there is no way in which anybody on the radio side of the fence can either open or recommend that negotiations be opened with ASCAP without being accused of double-crossing the radio industry, flirting with the enemy or having jelly instead of backbone. Memories of intra-industry bitterness over the ASCAP dealers in 1935 is the second greatest psychological factor this time on the side of radio solidarity, being next in importance only to the

(Continued on page 36)

Odorated Talking Picts (Smellies' to You) Make Old-Fashioned Films

Seven years of secrecy came to an American end last week in the Swiss Pavilion at the New York World's Fair when OTP—Odorated Talking Pictures—had its first showing in this country. Before a scant handful of men and women, the revolutionary brainchild of Hans Laube and Robert Barth, that adds smells to the sight and sound of current-day motion pictures, got its premiere airing.

It's too easy to kid the idea, and almost everyone else has. But smart producers are giving plenty of serious consideration to the novelty. It promises a real entertainment innovation.

In a 35-minute picture—terrible as a show, but more than adequate for its purpose of demonstration—the

(Continued on page 58)

Noel Coward's Quickie To Aussie a Mystery Flight

Noel Coward, in the U. S. on British government business, planned suddenly Monday night (14) to the Coast, where he will catch the Clipper for Australia. Playwright-actor withheld the exact nature of his errand, even from intimate friends. Also declined to say how long he will be gone.

Although Coward has visited almost every other part of the world, it is his first trip to Australia or New Zealand.

Duchess of Windsor Amenable to Radio Comm'l to Benefit British War Relief

Prophetic

Detroit, Oct. 15. Charlie Chaplin of 20 years ago is being used to ballyhoo Charlie Chaplin of 1940. Cinema theatre here is showing 'The Paperhanger,' one of the most famous of his two-reelers made more than two decades ago. The film has new synchronization and titles.

Among these, Chaplin says in one subtitle, 'I'm not always going to be a paperhanger. I'm studying to be a dictator.'

40 WB BRITISH CHILDREN NOW IN THE U. S.

Warner Bros. employees in England are sending more children to the U. S. for the duration, the WB workers in America taking care of them. Fifteen more children, all of the Warners' British organization, arrived in N.Y. last week. This makes 40 placed in Warner homes this year.

Warner Bros. pays the expenses of these youngsters from the British Isles. They are taken into U.S. households by contacting the Edwin Gould foundation in N.Y.

Rube Comics in Brisk Demand for Cycle Of Old-Fashioned Films

Hollywood, Oct. 15. Old Hiram Hayshaker is doing a lot of reaping while the sun shines on the U.S.A. and the war clouds are raining in Europe. Practically every Hollywood studio is looking for rube types to fill the demand for old fashioned American pictures.

Republic is a happy hunting ground for hillbillies and other rustics in the 'Barnyard Follies' and similar rural specials. 'Sergeant York' at Warners calls for Kentucky mountaineers, and 'Carnival,' also WB, requires hick troupers. 'Shepherd of the Hills' at Paramount has a bucolic atmosphere and 'They Knew What They Wanted' at RKO is set in a terrain of vineyards. 'Chad Hanna,' at 20th-Fox, requires a hey-rube tang. 'Western Union' at Metro prowls through the rutabaga districts and 'The Wild Man of Borneo' has a side-show background wop yokels in the office. The fatner of 1940-41 is threshing a crop of celluloid.

Duchess of Windsor has agreed to do a series of commercial broadcasts from Nassau where her husband is Governor-General, provided that the compensation is large enough to make it a worthy contribution to the British War Relief Fund. N. W. Ayer agency is trying to find an account to underwrite such a series which would have to run for a minimum of 26 weeks.

It is estimated that the project would require at least \$1,000,000, half of it going to the British War Relief, as the Duchess' donation, and the balance for a network hookup, a wire from Nassau and the salaries of a script writer and contact man spotted in Nassau for the run of the series.

What makes the outlook for a taker tough is that there's only one cosmetic account in the business that has a \$1,000,000 advertising appropriation, and this one, Lady Esther, is pretty well committed as it is. Preliminary inquiries among women have disclosed that the Duchess' broadcasts would find an appreciable audience in this country.

KIT CORNELL'S 1ST AIR DATE

Katharine Cornell makes her first appearance on the air in a dramatic piece Sunday, Nov. 10. It will be in behalf of the Red Cross Roll Call and on NBC, CBS and Mutual, 2:30-3:30 p.m.

Raymond Gram Swing will speak for the cause and an attempt is being made to have Leopold Stokowski as maestro of the symphony orchestra and a choral group.

48 ST. A-KEYNOTE TO A YESTERYEAR B'WAY?

If its legit and picture lineup is any indication, 48th street, N. Y., is living in the past. As of this week, the only four theatres on the street that are lighted are housing revivals. Playhouse has 'Kind Lady'; the Windsor opened last night (Tuesday) with 'Blind Alley'; the Cort opens tomorrow night (Thursday) with 'Charles's Aunt.' In the same block the American Music Hall is offering old-time silent pictures.

Of the other houses on the street the Vanderbilt is now used by NBC as a broadcasting studio, while the Longacre and Ritz are dark.

Have One on House—New Style

Milwaukee, Oct. 15. Auto show here has been knocked in the head by the Milwaukee County safety commission. It was proposed to give daily demonstrations of the effects of alcohol on drivers, eight or 10 volunteers being given as much as they wanted to drink to test their reactions (line was already forming).

Safety commission concluded a display of drunkenness might prove an unsavory spectacle.

Ned Sparks Very Sourpuss in His Beef at H'wood's Talent Burnup

Ned Sparks, after 17 years in Hollywood, is back in New York and states that he has left the picture business forever. "Vet comic, as dour in life as he is on the screen, declared he was sick of the 'stupidness, shortsightedness and chiseling tactics' of Hollywood's execs.

"When I first went to the Coast after 16 years on Broadway," he declared, "I was told I had to put up with producers who never thought you were worth whatever you asked, who always wanted you to do your best and then cut you down because they were afraid you would top Miss Glutz. I stood for it as long as I could. Now I've piled up one of the biggest fortunes in Hollywood, outside of such fellows as Louis B. Mayer, and I'm walking out."

Being away from Hollywood, Sparks said, will give him time to look after the Canadian gold mine of which he has been a principal owner for a number of years. "I'm probably the only guy who ever came out of Hollywood with a real gold mine," he remarked, yanking from the side of his mouth the inevitable stogie.

Sparks said his agents, Berg & Alenber, don't know where he is going and he's not telling them. They probably won't dig up any parts for him. (Continued on page 61)

PAUL GRAETZ' WIDOW DIES IN SUICIDE PACT

Trenton, Oct. 15. Mrs. Ebba Graetz, 42, widow of Paul Graetz, a foremost Viennese character actor, and Hans Bielschowsky, 59, of New York, both refugees from Nazi anti-Semitism, died together in a suicide pact in an overnight stay at the Stacy Trent hotel here. Their bodies were found Sunday afternoon (13) on adjoining twin beds, their hands interlocked in a tight clasp. They died from overdoses of a sedative.

Paul Graetz, widely known for his character portrayals in Max Reinhardt productions on the Continent, died three years ago in Hollywood, where he had gone to play with Greta Garbo in "Conquest." He died before production began.

Bielschowsky, formerly head-of the Telefunken Co., one of Germany's greatest utility and electrical manufacturing firms in pre-Hitler days, fled there five years ago.

Mrs. Graetz left three letters, one to the wife of the man with whom she went to death.

Henny Youngman's Radio Audition for 20th-Fox

Henny Youngman will do a guest spot on the Kate Smith program Friday night (18) as an audition for 20th Century-Fox, at the specific suggestion of Darryl Zanuck. Producer is considering the comic for a picture and wants to hear him before an audience.

Youngman was a regular on the Kate Smith series two seasons ago.

Morgan Made Director

Hollywood, Oct. 15. William Morgan was upped from a film editor to director at Republic, with "Bovary Boy" as his first job.

Filming starts Oct. 21 under production guidance of Armand Schaefer.

ARRIVALS

Carmen Miranda, Arthur Rubenstein, Bruna Castagna, Jan Kiepura, Mrs. Zinka Milanov, Mrs. Norina Greco, Vittorio Trucco, Marta Egger, Michele Morgan.

Unaccustomed?

Detroit, Oct. 15. Maybe he's not used to them anymore, but Charles Laughton fell off the Fox stage during rehearsal here. In for one day appearance (Oct. 12) in conjunction with "They Knew What They Wanted," he toppled 12 feet into orchestra pit.

A bruised right arm and wrenched shoulder didn't keep him from personals nor for activity in connection with the British-American Ambulance Corps drive here.

CHAPLIN ALSO STEALS SHOW AT AIRPORT

Hottest news of the week is the dual opening of "The Great Dictator" and out at the far end of the rialto, in the end of the transcontinental trail of the clouds, LaGuardia Field (N. Y.), the red hot news there was the arrival of Charlie Chaplin Saturday (12) and Jack Oakie on Thursday (10); to say nothing of the scheduled arrival, minutes before the Broadway preem, of Paulette Goddard.

There was wide divergence between the arrivals of Chaplin and Oakie. Practically white-haired, the handsome Chaplin alighted from his American Airlines Mercury-Saturday (12) and Jack Oakie on Thursday (10); to say nothing of the scheduled arrival, minutes before the Broadway preem, of Paulette Goddard.

MORE CHORES FOR MUNI IN 'HUDSON'S BAY'

Hollywood, Oct. 15. "Hudson's Bay" is back before the cameras for two weeks of added shooting to revise the opening scenes. In the original start of the picture, Paul Muni did not put in an appearance until a reel and a half had been run off. New scenes will have the star present at the beginning.

L. A. to N. Y.

Desi Arnaz.
Fred W. Beets.
William Bowers.
Samuel Bronston.
N. H. Brower.
Mrs. Eddie Cantor.
Charles Chaplin.
Robert Cummings.
Jack Cohn.
Harry Cohn.
Dennis Donohue.
Frank Donovan.
Morton Downey.
Tim Durant.
Margaret Ettinger.
Y. Frank Freeman.
Donald Geddis.
Henry Henington.
Charles Hunt.
W. Ray Johnston.
Allan Jones.
Robert Kalloch.
Joseph Krungold.
Dorothy Lamour.
Hayden Mills.
Thomas Mitchell.
Jack Oakie.
Esther Ralston.
Erik Rhodes.
James Roosevelt.
Wesley Ruggles.
Abe Schneider.
Morgan Sims.
Morris Small.
Leonard Spigelgass.
Paul Stewart.



LUCY MONROE

"Star Spangled Soprano"
Will complete 24th starring week in "American Jubilee", New York World's Fair, 1940, closing October 27th. Concert Tour now booking. Victor Records.

Concert Management:
ARTHUR JUDSON
113 West 67th Street New York

One Day's Sales By 5th Ave. Store Evidences Plenty Refugee Coin

A cue on how much money the refugee or evacuated international set puts into circulation in America may be gleaned from the purchases at Bergdorf-Goodman's, smart New York specialty shop for women, where, on one certain day, 72 of the 83 sales made of over \$100 each were to people with accents.

Incidentally, apart from the abundance of French, English, Dutch, Viennese and kindred accents heard in the smart cafes around New York, the evacuees have set up their own road company Cafe de la Paix in Central Park, at the cafeteria near the Zoo. There are some 100 outdoor chairs at the tables, and the unwilling refugees from foreign shores make themselves at home, with their newspapers, whiling away the hours in the sun.

GEO. WHITE TAGS BW'AY NITERY GAY WHITE WAY

The Gay White Way will be the tag of George White's new theatre-restaurant on the site of the Cotton Club at Broadway and 48th street, which he plans to have open by Thanksgiving. It will be an elaborate cabaret-theatre, with a typical White revue, emphasis on gals, no cover, dinners starting at \$1, capacity 900-1,000.

Monte Proser, the zombie kid, has 10% of the place given him by White for promoting the deal, including the lease from the Walter J. Salmon office, which is for five years, starting at \$30,000 annual rental.

ANYTHING FOR A PLUG

Even Fingerprinting—Tieup with "I Am an American"

Fifteen songwriters, bandleaders and singers appeared at the offices of the FBI in New York yesterday (Tues.) to be fingerprinted. The action was purely voluntary, and smacked highly of publicity in conjunction with "I Am an American" Day at the N. Y. World's Fair yesterday (Tues.).

Those to appear were Ira Schuster, Paul Cunningham, Leonard Whitcup, Peter De Rose, Nat Simon, Dana Suesse, Dick Sanford, Sam Mysels, Nelson Cogan, Mabel Wayne, Gray Gordon, Ruth Lowe, Shep Fields, Ernie Burnett, Vincent Rose. Over 100 copies of "Shout I Am an American," composed by the first "three," were left at the FBI offices to be given the first 100 citizens who volunteered for fingerprinting.

H'wood's Showgirl Dearth

Hollywood, Oct. 15. This town is afflicted with a shortage of showgirls, according to Bill Grady, Metro talent scout, who is planning to Broadway to enlist talent for the music and dance numbers in "Ziegfeld Girl".

Trip east is the aftermath of a two-week hunt in Hollywood.

THE BERLE-ING POINT

By Milton Berle

Registered for conscription today, but quite sure they won't take me. I have five children to support—my mother's. Anyway, I'll be turned down because they say that I have flat feet and jokes to match. If they take me, I'll insist upon Harry Von Zell in my regiment. I work better with a straight man.

Told Nick Kenny—that writing this column is no laughing matter. He said, "I read it—and you're right." I wonder what he means? (Jealous nose-papernan, no doubt.)

Got to rush to the doctor with my brother. Going to have him X-rayed to see if there is any work left in him.

Breadway Dept.

Attended Abe Lyman's opening at the New Yorker. Terrific shindig—George Raft, Irving Berlin, Martha Raye, Joe E. Brown, Jack Dempsey and thousands of others. It was so crowded that you had to go out in the lobby to change the expression on your face. Rose Blane sang "Donkey's Serenade" so well that even the Republicans applauded.

At the Famous Door, asked Teddy Powell, the well-dressed man, for the address of his tailor. He said, "Okay—I'll give you his if you don't give him mine."

Saw the new show at Leon & Eddie's. It has more strips than a pound of bacon.

Over to the opening of the Rodeo. Gene Autry falls off a horse—and the horse was so ashamed that he walked back to his stall with one hoof over his eyes.

At the Versailles, Joe says he knows who stole his car—but he won't prosecute until the fellow puts on a new set of tires.

Hollywoodians

George Raft and Al Ritz flew in from Cincinnati and the World Series. They bet on Detroit—and now they want the Dies Committee to investigate the Cincy Reds.

A visiting Hollywood quickie producer didn't have enough money for a tip at the Stork Club—so he gave the waiter the lead in his next picture. Just a short time ago, all the Hollywood studios were fighting for me. After seeing my screen test, they declared an armistice.

Stood outside the Capitol for two hours waiting to see "The Great Dictator." I left—couldn't stand that form of Capitol punishment.

Musie Dept.

Fellow went up to the Musicians' Union and asked for a card—claimed he played third straw with Shep Fields.

Ed Wynn claims he heard a band on the air the other night which played "I'll Never Smile Again" as if they meant it.

Norman Fole, the music publishing exec, married lovely Gwen Williams, the NBC songstress, for three reasons: Love, the draft—and he could use the plugs.

My song, "Lil' Abner," is sweeping the country—and the country is sweeping it right back to Feist.

Hangnall Descriptions

Henny Youngman: Berle on a diet. Ed Fishman: My dream of the big parade. Richard Himber: A sidewalk Dante. George Jessel: Diaper Dan. Damon Runyon: A heart—without syndication. Fred Allen: Old Man Ribber.

Observation Dept.

Chuck Green renewed his locker at Lindy's for another six months. Mack (Killer) Gray arrived in New York with a terrific idea—he wants to sell theatrical makeup to jockeys so they'll look good in photo finishes.

News flash: J. Edgar Hoover reveals that vaudeville is not dead—it's hiding.

Goodman Ace is a lover of books—the kind they make at Belmont.

A certain Broadway hoot-mon had a date with a girl outside the Rivoli at a quarter of five. Just his luck—she came 15c late. She bought the tickets. He was going to pay, but he couldn't get his shoe off.

Eavesdropped at Fete's Monte Carlo: "He was born with a silver spoon in his mouth—but it had the name of a hotel on it."

Eavesdropped at La Martinique: "Who—him?" He's my idea of nothing going no place—not to happen."

This week's motto: It is better to have loved and lost than to have run into the house detective.

Whatever Became of—?

Lewis & Dody
The Runaway Four
Adler, Weil & Herman
Roscoe Ails & Kate Pullman
Helen 'Smiles' Davis
Kennedy & Berle

Afterpieces

If you like my column, tell the whole world. If you don't like it, tell me, I'll tell Winchell—and he'll tell the world.

DOES WALKOUT RATHER THAN CATER TO MORONS

Minneapolis, Oct. 15.

Chick Thomas, who does a vaudeville turn patterned after the John Burke ex-soldier monolog, finishes with a serious recitation. Booked into the Alvin here, he decided to eliminate the recitation after the first show because, in his opinion, the theatre's audiences comprised "morons." Told by the management to put the recitation back in or else, Thomas did a walk-out.

Thomas was on the salary list for \$125 for the week.

First Rains for Cal.

Hollywood, Oct. 15. Unusual weather, meaning rain, registered its first 1940 casualty when Roy Rogers and his hardy cowboys were showered off location at Burro Flats and wound up in the Republic studio to gallop through indoor shots for "Border Legion".

Outdoor sequences will be resumed when the sun returns to the hills.

N. Y. to L. A.

Don Ameche.
Bruce Cabot.
Noel Coward.
Joan Crawford.
Elsa Lanchester.
Michele Morgan.
Richard Porter.
George J. Schaefer.
Aileen St. John Brenon.
Bert Wheeler.
Meredith Willson.

Georgie Price's Vaudeville Memories on NBC Show 'Behind Mike' This Sunday

Georgie Price on next Sunday's (20) broadcast over Mort Lewis' "Behind the Mike" show at NBC will hark back to the last time he played the Palace, on Broadway, exactly 10 years ago. Price, now a stock broker and out of show business for years, will incorporate in his script such items as the fact that the RKO theme song was then sung by John B. Kennedy over WJZ; a kid named Jack Benny did some minor introductions and Price ad libbed the prophetic observation, from the Palace stage, that "although everybody is complaining, years hence we'll look back on the good old days of 1930."

It was then after the 1929 market crash and everybody was in the dumps. Price observed that, while he was just starting to dabble in the market, he was grateful that there will always be vaudeville and an RKO roof over my head. Today, Price states that the market is so dull he's liable to get arrested for vagrancy in his own office (to repeat, an oldie), and he's glad that there's a theatre or two left that he may go into, just to keep busy, if nothing else.

WB TIES STOLOFF

Hollywood, Oct. 15. Ben Stolloff inked a director contract at Warners, with "She Stayed Kissed" as his first assignment. Picture is being readied for early start by Harlan Thompson, producer.

PIX COIN WON'T HELP B'WAY'

Newspapers Fall For Hitler?

Chicago Round Table, in a recent discussion over NBC on 'Will Hitler Invade America?' aired the flat assertion—apparently by Clark Foreman, co-author of recently-published 'Total Defense'—that U. S. newspapers are aiding Nazi Germany in its propaganda drive to 'soften up' this country. Speaker charged newspapers are doing this (1) by 'telling us that we are unprepared' (2) by 'playing up the might of the German military machine.' He declared that as a result of these combined messages, 'many people (American) are ready to throw in the sponge.'

It was perhaps first time on the networks such a blunt assertion about newspapers had been made. However, H. V. Kaltenborn, who frequently analyzes German propaganda, including short wave stuff to the U.S., had pointed to specific examples of the way American papers 'fell' for stories deliberately circulated by Berlin and Rome. Major George Fielding Eliot also emphasized, on various occasions, that Americans should not 'go for the Axis' fear drive.

Much Political Skulduggery Now Attends German Pix Bookings in U.S.

Although the situation is more or less shrouded in Nazi-like secrecy, it is reported that, with war tension steadily increasing, distributors of German pictures in the United States are finding some difficulty in placing their product. There are some theatres that have an out-and-out German picture policy the year around, and these are taking service as usual without much exploitation to attract attention, but other houses in cities having large German communities are not interrupting their regular policies to place an occasional German film as in past seasons.

These exhibitors are loath to discuss the situation at all, feeling that too much has been said already in the trade press about the German pictures, their distribution and their markets, as well as the houses that play them. They fear that further discussion will only heap fresh coals upon smoldering fires and tend to bring about a situation similar to that of the first World War, when everything German in any way was verboten.

While it is difficult to get at the (Continued on page 61)

Red Skelton's 4-Week Date Longest Given By N. Y. Paramount

Red Skelton returns to the New York Paramount Nov. 6 with the longest contract yet given an act at that house. Deal presently calls for four weeks, and the house is dickering to stretch him to six, with changes of pictures, of course.

Glen Gray's Casa Loma orch will play the show the first couple of weeks of Skelton's run. Also set for the initial stanzas is Cass Daley.

Knight Sizers, who will be in the same show, will be fulfilling a two-year-old contract with the house. When originally booked they asked for a release so that they could go into George White's 'Scandals'. The release was given, but with the provision that they play the Par at any requested time after the run of the revue.

ALDRICH-MYERS STILL HOPE FOR BARRYMORE

Despite Coast reports that the referee in bankruptcy thinks John Barrymore is worth more to his estate working in films than in legit, Aldrich & Myers hope to have him resume in 'My Dear Children' some time this winter on a road tour. They have some 30 or 40 weeks set, and harking back to his 1939-40 tour when Barrymore was good for \$4,000 weekly for his share, the legit managers think that the star will be doing the play once again.

Furthermore, following his 'Great Profile' for 20th-Fox, he has only one Universal and possibly another (Continued on page 26)

GOOD SCRIPTS VITAL FACTOR

But More Hollywood Names May Indirectly Hypo Legit —Independent Manager' Issue Is Latest Hitch

EXPECT AGREEMENT

Although there has been considerable talk about a spurge of legit production to result from the expected agreement between the Dramatists Guild, the League of New York Theatres and the major film companies, this phase of the matter is minimized in the trade. It is pointed out that the availability of fresh financing is likely to have little effect on production over an extended period, as it is the dearth of suitable scripts rather than shortage of money that is believed to have curtailed production in recent seasons.

According to insiders, there is no case on record of a good script not being produced because of lack of backing. Supporting this view is the offer of several name playwrights to obtain financing for any such script that is brought to their attention. Unlimited backing from Hollywood or anywhere else will not increase the number of worthwhile scripts, it is claimed.

Investment of more money by Hollywood may bring a few more productions to Broadway, but that will probably mean only more flops. And, according to this view, flops are not an asset but a liability to the theatre. They do little good for anyone, but hurt the theatre as a whole.

Name Values

The important factor in a return of Hollywood money to Broadway is not likely to be an increase in production, it is asserted, so much as a (Continued on page 56)

Equity Denies Backing Morris Watson, 'Actors' Choice,' for Congress

Something of a ruction was started last week when Equity adopted a resolution that it had not advocated the candidacy of Morris Watson, running for Congress on the American Labor Party ticket. Watson was identified with WPA's relief presentations of the early 'living newspaper' shows, withdrawing following objections to the type of performances prepared. He was a figure in the Newspaper Guild and was on the writers' project in the WPA setup.

Fact that Watson is an alleged Communist, which he is said never to have denied, had no direct bearing on the action by Equity, having its own troubles with Communist charges. Stated by Equity that it has never espoused political candidates and wished to make itself clear on that subject. Watson had announced himself as being the 'actors' choice' and that inspired the resolution. It was explained, however, that other actor-artists unions could do as they pleased about Watson.

Protest was filed with Equity on behalf of Watson, alluding to the resolution as 'gratuitous action.' Claimed that while the legit association's endorsement had not been sought, there is an actors and writers committee for his campaign which includes Paul Robeson, George Selles, Marc Blitzstein, Millen Brand and Morris Carnovsky.

M.D. Biog for Tracy

Hollywood, Oct. 15. 'Dr. Ephraim McDowell,' the story of an American pioneer surgeon, is the next starrer for Spencer Tracy at Metro.

Gottfried Reinhardt produces and Mervyn LeRoy directs.

Equity Prefers Dies Probe On 'Reds', But Will Ride Along If Sister Unions Ask Impartial Bd. Hearing

Ted Lewis' Party

New Orleans, Oct. 15.

The Ted Lewises celebrated their silver wedding anniversary Thursday (10) with party including members of Blue Room show and the bandsmen. When the meal was about over, a half-dozen of the boys grabbed their instruments and poured out 'Here Comes the Bride.'

'Eat your dinner,' Ted shouted at them.

'Let 'em play,' said Adah, his wife.

'What, and have those guys charge me overtime?'

Jack Pepitone, president of the local musicians' union, grinned. The boys took his cue and kept right on playing.

25th Anni Dinner

Ted Lewis, after 25 years in show business, is being tossed a testimonial dinner by a group of friends Nov. 2 at the Hotel Plaza, New York.

Eddie Cantor heads the committee of pals arranging the affair.

MISS LENIHAN ON 'REDS' IN EQUITY

New York, Oct. 14.

Editor, VARIETY:

As a member of the council of Actors' Equity Association, I have of course been deeply interested in VARIETY's reporting on Congressman Lambertson's charges of Communism against certain Equity members. VARIETY did us a real service, I feel, in reporting so fully. Our issue of Sept. 18 gave many of us the first news that Lambertson had renewed or amplified his charge, and I believed to the Council's reviewing the entire case.

However, the inaccuracies and misrepresentations in the articles on this subject in the Oct. 2 and Oct. 9 issues have been disturbing. In VARIETY of Oct. 2, the quarterly (Continued on page 93)

'OOMPH' KID THINKS SHE DESERVES MORE

Hollywood, Oct. 15.

Warners slapped a suspension on Ann Sheridan when the actress walked out on her co-starring spot with James Cagney in 'Strawberry Blonde' over salary differences. Studio is holding up the picture in hopes straightening out the matter. It's their first tiff in three years since the studio built her into stardom with terrific 'oomph' ballyhoo.

PASCAL'S PLAY

His 'Peep Show' Placed With Gilbert Miller

Ernest Pascal, long a writer for Darryl Zanuck, has written a comedy which Gilbert Miller will produce on Broadway. Tagged 'Peep Show,' it will go into rehearsal as soon as it can be cast. Pascal, who arrived in New York last week, will remain east until the show opens, probably around Thanksgiving.

Writer recently completed script on 'How Green Was My Valley.' He also did 'The Bluebird.'

Following the suggestion that an impartial board be named to sift charges of Communism against members of Equity's council and other talent unions, the plan has not yet crystallized. Equity prefers that Congressman Dies' Committee do the investigating, but it is conceded that if other unions involved prefer the impartial board proceeding it will assent.

Situation within Equity somewhat abated last week when it became known that one of those named in Representative William P. Lambertson's charges has secured an engagement. Previously the actor failed to land any one of three prospective jobs and was in a panic. Another named in the Congressional Record is also in rehearsal and it is now indicated that at least some of the (Continued on page 24)

Tugend in N. Y. to Script Bob Hope's Next Par Pic, De Sylva to Produce

Harry Tugend is working in New York on screenplay of 'Caught in the Draft,' in which Paramount will star Bob Hope. He came east two weeks ago for confabs with Buddy De Sylva, who will be the producer, and has settled down here to do the writing on it until De Sylva is ready to head for the Coast. It goes into production in January.

De Sylva is now in Boston with 'Panama Hattie,' legit musical of which he is producer. He and Tugend will probably go to the Coast later 'Hattie' is ensconced in New York at the time of this writing. Meantime, Tugend is more or less commuting to the locale of the musical's tour.

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Tom Mix One of the Screen's Fabulous Figures; Cowboy Star Earned \$4,000,000

Death of the film star, Tom Mix, who started at \$150 a week for Fox Film in 1919, and in 1925 received at the rate of \$200 per week, for every working week, recalls to show business one of its most fabulous characters. As a cowboy player, when William Fox signed him in 1919, that included the services of himself, his wife, Victoria; a ranch foreman, Sid Jordan, and three horses, for which he was payrolled at \$150; in 1925, the same Fox Film company, through Winfield R. Sheehan, its directing head, guaranteed him \$2,000,000 over a three-year period, which meant an average of \$20,000 for every working week.

At Mix's finale as a screen star, up until 1929, he was payrolled at \$7,000 a week. His show biz earnings were conservatively estimated at \$4,000,000, of which over \$1,000,000 was from personal appearances, with his own circus, in America and Europe, rodeos and wild west shows.

Although Mix was said to have been 60 years of age at the time of his death, his actual age, much to the surprise of many, was 69, according to Joe Lee, who directed Mix's publicity during his world personal tour. His passport, Lee recalls, in 1925, read that he was then 53. Mix looked no more than 40.

It was in 1919 that the half-Cherokee Mix, a great friend of another Cherokee-blooded cowboy, Will Rogers, was hired by Sheehan at Fox. Mix had been in the army many years before, and while a U. S. marshal in Oklahoma he met Rogers. Both joined the Miller Bros. Wild West Show, which eventually got to Madison Square Garden. Rogers left show to do roping stunts and Mix got a stunt job with Selig in pix. The Sheehan signing followed some years later.

The report of Mix's fabulous salary (for 1925, as it would be now) was received as preposterous at that time in many quarters, as had Charlie Chaplin's some years before. The comedian then was reported to have pacted with Mutual for \$10,000 weekly on a 52-week basis. That figure, however, was later proved to be true. Guarantee under a percentage arrangement may have reached Mix's salary under this new Fox agreement, and, possibly, with such stars as Mary Pickford and Douglas Fairbanks, exceeded it, but never before had a contract called for a straight \$20,000 weekly whenever working.

Mix was the hero of millions of youngsters on two continents. In April, 1925, *Variety* reported that there were upwards of 200,000, nearly all youngsters, who turned out to bid Mix farewell in New York's Central Park upon his embarkation for a European personal tour.

London Press' Brushoff

The extensive press that had been accorded him throughout America experienced an antithesis in London, where the *Times*, etc., were, according to cables sent to New York, "not taking kindly to the circus stunts devised by the cowboy's press agent." Indicative of the London press' reception to Mix—though from the public standpoint there was a warm shoulder—was the column of April 19, 1925, of Hanne Swaffer, critic of the *London Express*. Swaffer was vitriolic in his reception to Mix, stating in the lead to his column of that day:

"London talked about two Americans last week—one a great artist, worthy of comparison with the most superb painters of all time, who passed away quietly in his sleep; the other, a cowboy actor, who made a pony round tables in the Savoy, while other people dined."

Tom Mix, the cowboy, held up the traffic in the Strand for nearly a quarter of an hour. John S. Sargent, the artist, went to his last resting place at Brookwood with no one to time the streets. London, indeed, did not know.

Certainly, John S. Sargent is worth a million cowboys. . . . Crowds in Amsterdam, Paris, Berlin, Brussels and other European capitals, in addition to the newspapers, however, were much more responsive.

Sound Kayoed Him

Mix, who of recent years had his own wild west show, declined in films with the advent of the talkers, for which his voice didn't register favorably. He then quit pix and (Continued on page 27)

Milestone Reins Colman

Hollywood, Oct. 15. Lewis Milestone directs the next Ronald Colman starrer to be produced by William Hawks for RKO release.

The three are huddling over the next story.

'Ecstasy' Film Again In the Courts; Four Are Sued for Its Surrender

Max Weingarten and Michael M. Wyngate, Inc., filed a \$100,000 suit in N. Y. supreme court Friday (11) against Eureka Productions, Inc., Samuel A. Cummins, Jacques A. Koepel and Rose Chatkin, claiming illegal retention of prints of the Hedy Lamarr starrer, 'Ecstasy.' Defendants have been distributing the film in the U. S. for over five years.

It is charged that the original agreement granting the defendants distribution rights was made in September, 1934, between the producers of the film, Elekta Films, A. G., of Czechoslovakia, and the defendants. The agreement is alleged to have expired Oct. 22, 1939, and the plaintiffs to have made an agreement with Elekta in December, 1938, for the next five years of distribution.

Defendants were asked to turn over prints and negatives but have refused, and are continuing to distribute the picture. An injunction, accounting of profits, turning over of prints, and \$100,000 damages are sought.

Fitelson & Mayers are attorneys for the plaintiff.

DIETERLE'S OUTFIT TO MAKE PAIR FOR RKO

Hollywood, Oct. 15. William Dieterle Productions, recently formed film company, closed a deal to release two pictures through RKO during the coming year.

New outfit, capitalized at \$1,000,000, is headed by Dieterle, former director at Warners. Robert J. McDonald is vice-president; A. Ronald Button, secretary-treasurer, and Charles L. Glett, associate producer.

Elsa Lanchester Back West, Laughton Later

Elsa Lanchester goes back to the Coast today (Wednesday) or tomorrow by train. Charles Laughton, her husband, who is currently doing personals with RKO's 'They Knew What They Wanted,' will follow in about two weeks.

Miss Lanchester has decided not to make any night club appearances for the present. She was a cafe and musical name in London before coming to the U. S. and was reported considering making a nifty appearance in New York. Neither she nor Laughton has any pictures set.

Renew Wolf Reinhardt

Hollywood, Oct. 15. Wolfgang Reinhardt and Warners got together on a renewal of his associate producer contract.

Next assignment is 'Adopted Daughter,' being scripted by Earl Baldwin.

HY FINE PROBABLY SUCCEEDS W. R. LYNCH

Hy Fine, district manager of the Mullin & Pinafski chain in New England, affiliated with Paramount, is in Miami discussing a proposition to succeed W. R. Lynch as general manager of the Paramount Enterprises, also a Par affiliate and one in which his brother, S. A. Lynch, is interested as a partner.

Lynch resigned during the past week due to an aggravated sinus condition for which he has undergone a series of delicate operations which prevent his continuing in active charge of the Par-Lynch houses in the Miami sector. The Par group numbers 13 houses, not counting two new houses under construction.

Fine was formerly musical director at the Metropolitan, Boston, for Paramount. He later branched out as an operator and has been in charge of a district of 'A' houses in the M. & P. setup.

Expertly Made Slugs Socking Det.'s Jukeboxes

Detroit, Oct. 15. Jukebox and vending machine operators here are frothing because of a sudden flooding of the town with a slug so cleverly contrived that it fools the most suspicious machine. While great strides have been made in perfecting machines, which reject the counterfeit, the new slugs already have started to hit heavily enough in all parts of the town to trim at least 10% off the take.

At the rate the new type of slug is coming into use, operators are seeing losses up to 25% by Christmas. Cigarette vending, jukebox—even the telephone company—have complained to police who thus far have been pretty powerless to do anything about it.

Up to now, the cigaret machine people declared, their type of machine had been close to 100% perfect in rejecting phony coins but the new mild-edge, bumped-body type of counterfeit has all the machines clicking.

Police, puzzled by the deluge of coins that have poured into Detroit, expressed the opinion that the slugs are being turned out by an organized gang who are out to pump the machines dry of merchandise. It is thought that the same outfit may be operating on a sale basis—turning out 20 phony nickels for a quarter.

Being a center of the tool and die industry—at the moment there are 7,000 of them unemployed since the new car models went into production and the armament industry has not touched about 70% of the small (Continued on page 29)

ROSEMARY LANE TO FREELANCE AS SOLO

Hollywood, Oct. 15. Rosemary Lane is breaking away from the sister act with which she has become identified in films. She'll go on her own as a freelance following her release from Warner Bros., which she asked and received. She'll continue to be available, however, for WB's 'Four Mothers,' last of the quartet of this series featuring the Lane sisters.

Miss Lane, in seeking the break-away, wanted more time for radio and is juggling several other offers.

Other News Pertaining to Pictures

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Chaplin Talks of His Plans, Maybe 2-Reelers Again—And 'The Dictator'

Rene Clair's 'Countess'

Hollywood, Oct. 15. Rene Clair draws the director assignment on 'The Countess of New Orleans,' Marlene Dietrich starrer at Universal.

Joe Pasternak produces and Norman Krassna is scripting.

Amus. Cos. in '38 Hit A 5-Year High Although With Less Net Profit

Washington, Oct. 15. Total take of amusement corporations filing Federal income tax returns in 1938 calendar year hit a five-year high, climbing \$94,728,000 over the 1937 total and touching \$1,140,691,000.

Preliminary analysis by the Treasury Department—which this year did not differentiate between film houses, legit theatres, and other forms of entertainment—disclosed last week that while the volume of business was materially greater, the actual profit to those coming out with favorable balances was the lowest in three years. Some evidence of further improvement in the whole business, however, was the fact that the deficit suffered by those who wound up in the red was smallest over the five-year span.

The 1938 statements showed conflicting trends. There were 395 fewer companies with taxable net income (3,230) but their income tax burden was up \$2,019,000. The Government took \$11,614,000 out of their earnings, more than double the figure five years earlier, although excess profits taxes were down \$399,000 to only \$48,000.

Dividend payments in 1938 aggregated \$42,484,000, the summary revealed. No comparable figures are available for preceding years but the total unquestionably was down since net income slumped \$2,506,000. It was harder sledding in 1938 for more companies. The number of reports showing no net income hit 5,935, the biggest figure since 1935 and a rise of 358 in one year. The gross for first group of redinkers was held off \$20,042 and their combined deficit fell \$330,000.

Combining the haul of both the successful concerns and those with no profit, the 1938 gross was by far the best since the bottom of the depression. Total take figures for series of years are: 1935—\$1,140,691,000; 1937—\$1,049,963,000; 1936—\$1,038,148,000; 1935—\$954,548,000; 1934—\$842,806,300.

SAM MORRIS BACK AT WB; BERNHARD'S AIDE

On leave of absence for about a year, Sam E. Morris has returned to Warner Bros., attached to the theatre department as an executive aide to Joe Bernhard, the Warner circuit operating chief.

Morris came in Monday (14). Formerly v.p. in charge of foreign distribution, he went on leave due to ill health.

Advance Huddling On Film Version of 'Hell'

Leonard Spiegelgass, Universal producer and writer, is currently in New York confabbing with Jules Levey on treatment of 'Hellzapoppin,' to which Levey owns screen rights. Talks are merely in preliminary stage, no date for picturizing the record-run Broadway musical can be set as long as plans continue to keep it on the boards indefinitely.

Spiegelgass did the screenplay on 'Boys From Syracuse,' Levey's first picture, which was released by Universal, and just finished as producer on U's 'Caribbean Holiday' with Abbott and Costello. He'll return to the Coast at the end of this week.

'Rings' for Cummings

Hollywood, Oct. 15. Irving Cummings gets the director chore on 'Rings on Her Fingers,' slated to start next month at 20th-Fox.

Picture co-stars Don Ameche and Carmen Miranda.

Charlie Chaplin states that in addition to a couple features on which he has already done some work, he is thinking of returning to the shorts field to turn out some slapstick two-reelers. He has still another idea on shorts that is interesting him, but the dope on these are 'off the record.'

Chaplin pictures have always commanded top rentals but 'Dictator' is the first to seek the limit established by Metro on 'Gone With the Wind,' which was sold on a 70-30% basis at increased admissions that were made a part of the contract. 'Dictator' cost Chaplin \$2,200,000, his most costly film to date.

'Dictator' opened at Astor and Capitol, N. Y., last night (Tues.), two-day at \$2.20 at the former, and 75c to \$1.10 at the latter, the same as 'Gone.' Within the next three weeks it goes into the Aldine, Philadelphia; the Warner, Pittsburgh; Great Lakes, Buffalo; and two houses in Chicago, the Apollo and Roosevelt. These leadoff engagements, with United Artists feeling its way on the picture, are at a straight 70% of the gross.

While consideration has been given to a 10% profit guarantee to accounts where UA and the theatre agrees on a stipulated overhead to figure, no deals on that basis are being written pending results of the first engagements. Deal with Loew's, made with Nicholas M. Schenck, to permit the picture to remain at the Astor and Cap in definitely, based on business done and control figures which always apply on such engagements.

Terms. No sales quota has been set on 'Dictator' because, as explained, it is virtually impossible to do so on a film of this type, nor until wider distribution on 70% deals attained will it be decided whether the Chaplin picture is withheld from general release a year or more similarly to 'Gone.' No deals are being written without the approval of Chaplin or his organization and in the establishment of policy the same authority obtains, though Chaplin is retiring in discussing this phase of his business.

Double-barreled preems of Charlie Chaplin's 'The Great Dictator' in two theatres simultaneously are being held off \$20,000. New York's Chicago and perhaps one or two other large cities, United Artists, the distrib, figures one theatre sufficient in a town because, unlike 'Gone With the Wind,' after which 'Dictator' exhibition policy is modeled, running time is not extra-long. Duration is only two hours and seven minutes, which will give houses playing the pie almost twice the turnover they had with 'Gone.'

In all spots except those where two theatres are used, policy will be technically be roadshow, but what eastern salesmanager Harry Gold dubs 'streamlined roadshow.' That means that it will not be two-day, but shown continuously and without reserved seats, although upped admish will be the rule, fee being 75c at matinee and \$1.10 evenings, including tax. Same policy will prevail in one of the houses in cities where there's a double preem, while the other will two-day with reserved seats at \$2.20 top.

Policy after initial runs has been exhausted has not been determined, UA waiting to get the reaction at the travelling. However, the distributing company feels it has learned something from 'Gone.' One error, it feels, was taking it out of the first-runs too rapidly and putting it into subsequent. UA sales heads are of the opinion that greater net can be achieved by holding 'Dictator' in large first-run theatres as long as possible before spreading it around four or five subsequent.

Saying that he wanted to make 'Dictator' whether it is a success or a flop, because it fulfilled a long-suppressed desire, Chaplin also admits that he has always been terrified by microphones. He talks throughout 'Dictator' for the first time and at a press interview Sunday (13) owned that he was pleasantly surprised at himself when he looked at the finished job, being 'impressed at hearing my own voice.'

One for 'Gone.' Chaplin predicted that he will make pictures with and without himself, appearing only when the material (Continued on page 29)

HOLLYWOOD WELL UP ON PIX

RKO Still Anxious to Reclaim K-A-O Pfd.; Deal for Meehan's Stock Stalls

While the contemplated deal of RKO to secure the Keith-Albee-Orpheum preferred shares of Mike Meehan temporarily has fallen through, the company is understood still anxious to get this stock and the remaining third, presently in the hands of the public, back in the corporation treasury. Parent company wants to reclaim as much outstanding KAO preferred stock as possible in order to reduce the large annual distribution of dividends. Besides being an economy move, actual consummation of preferred deal would simplify the corporate structure.

Main stumbling block to acquisition of the Meehan shares is \$3,328,000 price some 28,000 shares would bring at the callable quotation plus unpaid dividends of about \$18. Understand that the company considers such a purchase of Meehan shares is unlikely since the receiver-ship agreement prevents any large scale borrowing, and payment out of profits is not deemed sound financial business policy.

Estimated this week that the Meehan stock might have been purchased for about \$1,000,000 back in 1936. But today, with KAO paying up back divvies and the resultant rise in stock, no such bargain buy could be put through. At present, about one-third of the KAO preferred is held in the treasury, another third is in the hands of the public and the remaining third is owned by Meehan. Consequently, Meehan is expected to figure more and more in the affairs of RKO and KAO in coming months.

FLOCK OF FOREIGN TALENT GOES RKO

RKO is breaking out in a rash of foreign stars. It has recently acquired three and has two more possibilities on tap. Alberto Vilar, Argentinean, and Michele Morgan, French, arrive in the United States today (Wednesday) by the Clipper from France, are already set. Few weeks ago Signe Hasso, Swedish player, landed in Hollywood after a round-the-world journey from her homeland.

Vila will be used by Lou Brock in "They Met in Argentina," which he is producing for RKO. Miss Morgan, a top femme star in France, leaves for Hollywood pronto. She co-starred with Charles Boyer in "L'Orage" ("The Storm") and is best known in the U. S. for her appearance in "Port of Shadows." She recently completed at Nice a film tagged "John Doe, Father and Son," under the direction of Julien Duvivier.

Vetero Sisters, Violeta and Rosita, who sing and baton a rumba band at Fefe's Monte Carlo, N. Y., are other Brock discoveries whom he may take to the Coast for "Met in Argentina." He interviewed them during a recent visit to Manhattan and set a tentative deal. "Argentina" gets under way in November.

Welles Makes Factotum Drake a Mercury Exec

Hollywood, Oct. 15. Herbert Drake set a new contract as vice-president of Mercury Productions and personal representative of Orson Welles' various screen, theatrical and lecture activities. Signing of the document was arranged by Welles' attorney, L. Arnold Weisberger, who came here from New York to witness the details.

RKO Using Many

Hollywood, Oct. 15. Casting is at a new high at RKO, with 200 players of all assortments working in six pictures. Orson Welles is using 64 players in "Citizen Kane," for the top number.

Buck's Hi Yo

Hollywood, Oct. 15. Buck Jones climbed off his horse, shoved his six-gun back in the holster and called in a lip reader to fight the battle of "Hi Yo Silver."

The old cry, which Jones used in his equine pictures back in the 1920s, is the same, he claims, as the one voiced in the Republic serial, "The Lope Ranger." In those days there were no sound tracks to prove it, but Buck has dug up a strip of 1927 film and declares he will silence the "Ranger" through lip-reading testimony. His damage suit against Republic comes up in February.

If It Isn't War, Grid Games Up Newsreel Costs

Coverage of the European war has become so routine that American newsreel companies hope to be on a profitable operating basis again soon. When each of the five companies had to maintain offices in Europe, staffs in several cities and camera crews in many countries, the war stuff proved an extremely costly proposition. With the American companies out of Paris now and maintaining only a skeleton setup in Great Britain and the continent, the newsreels shortly will be able to get into the black for the first time since late in 1939.

The only thing standing in the way of actually restoring normal newsreel budgets, with the World's Series finished, is the football season. Latter should be well out of the way by the close of November, but it will be more expensive than ever this season. The Series came as a severe expense sock this fall because none of the games were played in New York City. Without ready access to New York labs, the reels found it necessary to use laboratories in Detroit and Cincinnati; also transportation costs were heavier than usual.

The demand for local issues on gridiron games is worse than usual this season. Instead of having six or seven local editions for contests of interest only to one exchange territory, now it is common for many newsreels to cover 9 to 12 pigskin battles.

Along with the increase in number of games, the cost has mounted steadily in recent years. Formerly, it was necessary to shoot only portions of the contests for local editions, plus pictures of the team captains. But in the last 10 years, the interest has grown such that full coverage is demanded. This necessitates shooting virtually the whole game. Plays come so fast that the large 800-foot magazines for film are required.

Estimated that the five newsreel companies will spend \$100,000 by the end of November covering gridiron battles.

H'wood's Charity Drive

Hollywood, Oct. 15. Studios, guilds and crafts pledged support of the film industry for the Community Chest drive at a conference honoring Louis B. Mayer, chairman of the picture section's committee. Quota for Los Angeles, including Hollywood, is \$2,704,000. Speakers included Samuel Goldwyn, Joseph L. Schenck, Y. Frank Freeman, Frank Capra, Edward Arnold, Sheridan Gibney, J. W. Gillette, C. G. Cooper and Bert Allenberg.

COMPLETES MORE THAN 50% FOR '41

Suspicious of the Future (the Draft, Foreign Conditions), New Season's Productions Considerably Advanced

400 PROMISED THIS YR.

With the new film season scarcely six weeks old, Hollywood already has more than half its slated feature product for the year in cans, in the cutting room or shooting. Suspicious of the future, what with the draft and uncertain foreign conditions, the principal film companies have been forging forward at top speed to clear the deck of as much work as possible while the going is good.

Hollywood's 10 top studios have promised a total of about 400 features for 1940-41. Of these, more than a quarter, 121, have been released or are on the shelf awaiting release date. Another 27, as of the end of last week, were before the cameras and 81 more were getting their shearing.

Production is somewhat ahead of last year at the same time, although the early part of the 1939-40 season was noteworthy for the dispatch with which programs were advancing. Usual slowdown in production after the first of the year was on a considerably larger scale in 1940 than customary in the past, and similar phenomenon may be expected in January, February and perhaps the early part of March in 1941.

There are somewhat fewer pictures being made in 1940-41, although the reduction is nothing like what was expected when the first shock of the loss of foreign markets was felt by the distributors. September and October. Compared with the 400 promised for this season were 414 last year. This picture, however, is somewhat blurred by films promised for last year but being made and delivered this season. Part of last year's promised load of 414, of course, will never be made or delivered, and the same thing may be expected in 1940-41, although producers, especially Indies working for major release, who are principal defaulters, were somewhat more conservative in making commitments.

Paramount in Best Shape. Paramount appears to be in most advanced position of any studio on production, with virtually its entire promised feature output of 33 up to the shooting category, or farther, or else in the advanced preparatory stage. Par actually has 15 pictures either in cans or awaiting release. Figures do not include westerns.

Universal is probably next most advanced, with 13 of 43 features completed and 15 more cutting. Warner Bros. has 15 of the 50 promised at the release point and 16 more in the editing rooms. Twentieth-Fox, with 23 finished and nine being shown, is also well up on the 52 it has slated. RKO has 13 finished out of 44 promised and five more cutting. It also had the highest number, seven, before the cameras at week's end. Metro is about half finished on its schedule of 50-52, with 14 done and 10 being cut. Republic has 26 features (not including westerns) carded and six done, while five more are in the cutting room. Columbia, with 44 promised, has 10 finished and four being sliced.

Figures on number of pictures promised are not in every case, precisely accurate, as some companies have made changes since programs were announced during the spring, and all are keeping their commitments in a state of flux pending future events.

BINNIE BOWS OUT

Hollywood, Oct. 15. Binnie Barnes and 20th-Fox dissolved their contract by mutual agreement after three years. Most of her roles during the last year were loanouts.

New Interpretations on Wage-Hour Law Define Executive-Employees; Film Firms Face New Problems

The Millenium

Usually there is a temperamental battle over screen credits in Hollywood, but not in the case of "The Long Voyage Home." In this picture John Ford, director, shares his main title card with Gregg Toland, photographer. Customarily the director's name appears in lonely grandeur while the photographer is listed along with other technical credits.

Ford liked Toland's camera work so much that he violated an old Hollywood custom.

Kelly New UA Sales Head; Gold, Schlaifer Az Iz

Arthur W. Kelly, United Artists v.p. in charge of foreign sales, was upped to chief of domestic distribution for the company by Murray Silverstone, UA topper, yesterday (Tuesday). Shift becomes effective at once, with choice of Kelly's successor in the foreign department now being mullied.

Promotion of Kelly marks finish to a long and tough intramural problem which Silverstone has had to face. It was a choice between Harry Gold, v.p. in charge of eastern sales, and Jack Schlaifer, v.p. in charge of the western division, for the post of general salesmanager.

With the conferring on Kelly of the top job, Gold and Schlaifer will remain as is and a solution has been reached to the admittedly bad situation of not having a single sales head. Choice between Gold and Schlaifer was not only tough, but embarrassing, because both men have been with UA for a long time and are highly held by the owners.

Kelly's post as head of the foreign department had, of course, been becoming increasingly less important as Hitler reduced available markets. He had been intending to go to Europe last spring to look after things there more closely when the blitz on France switched his plans.

Status of Harry D. Buckley, another of the quartet of v.p.s. will not be affected, Silverstone declared in his announcement yesterday. Buckley handles corporate affairs for UA.

BETTE DAVIS STARTS IN 'JANUARY HEIGHTS'

Hollywood, Oct. 15. Bette Davis, back from her New Hampshire vacation, checked in yesterday (Mon.) at Warners for a star spot in "January Heights." Edmund Goulding directs, starting Nov. 1.

Ayres Gets Male Lead In 'Maisie' With Sothorn

Hollywood, Oct. 15. Lew Ayres, currently in the Doctor Kildare series, shifts temporarily into a lighter vein as the male lead opposite Ann Sothorn in "Maisie Was a Lady" at Metro. Edwin L. Marin, director, sends the picture before the lenses next week.

Washington, Oct. 15. Considerable red tape troubling film producers was slashed Sunday (13) when new interpretations of the wage-hour law were issued, but the outcome was more or less a draw between the studios and the unions. Chief advantage is reduction in the amount of clerical work, although the revised definitions will exempt a substantial number of hired hands who formerly were entitled to extra pay whenever they worked beyond the regular limit.

Effective on Oct. 24 when the standard work week drops to 40 hours, the modifications approved by Col. Philip Fleming clear up many questions about who is a "professional" and the duties of an "administrative" worker. In place of the former conundrums, though, many new puzzles will cause film industry lawyers to scratch their heads.

In general, run-of-mine white collar help continues to enjoy the benefits of the two-year-old statute, although many individuals who formerly did not fit the definition of "executive" will be unable to collect extra compensation whenever they stay on the job more than the specified period. Radio will benefit more, it was believed in trade association quarters, but all industries which have geared themselves to a 40-hour week presumably will stay on that basis pretty generally.

No Difference

The rulings will make no difference one way or the other to individuals covered by union contracts. Scales fixed by collective bargaining—in the film industry virtually every hired hand makes more per hour or week than in any other line—are not affected. If the pacts call for added cash for individuals who, under the new set of interpretations, would be outside the statute, the employers still will have to live up to their promises, since the law does not in any way supersede such employment arrangements.

Just how far the new definitions affect the film business is something (Continued on page 29)

FRANKLYN WARNER'S FA OUT OF DISTRIBUTION

Distributing end of Franklyn Warner's Fine Arts Pictures is to be abandoned, it is understood, at least temporarily, with the seven films it is now releasing going to Acus Films, N. Y., for further distribution. Warner established FA early this year to sell pictures which he made for Grand National and which were returned to him when that outfit went bankrupt.

FA has been inactive almost from the start with a whole program of pictures promised by Warner not forthcoming. Warner, it is expected, may turn to indie production for major release, as he still has two pictures due RKO under a three-picture pact made last year. Warner's New York office, despite losing its status as a sales outlet, will be continued, it is said, as eastern g.h.q. for the outfit.

Weismuller Ready For Next Tarzan' at M-G

Hollywood, Oct. 15. Johnny Weismuller climbs back into his tree at Metro this week after a summer in Billy Rose's swimming pool on Treasure Island, San Francisco. Former Olympic champ, had been starred in Rose's Aquacade. Studio is reading another "Tarzan" picture, with B. P. Fineman as producer and has been shooting animal and jungle backgrounds for several months.

Producers Row Over Closed Door for Extras; Want Rolls Wide Open for Everybody

Hollywood, Oct. 15. Demand that the Screen Actors Guild reopen its membership books to extras is being mullied by the producers. Turndown of numerous applications approved by executives is said to have caused enmity in the studios and talk of opening the closed-door policy for atmosphere players.

Miff among the execs is reported to have followed a meeting of the SAG Council admittance committee last week in which a request application from E. H. Goldstein, general manager of Republic, was tossed out. At that time only three out of 50 were admitted, and the three were old-timers seeking a return to pictures.

Other producers, riled by the rejection of their application requests, have pointed out that the basic SAG-Producer agreement provides for the continuance of open books for extras. There was no objection when SAG, swamped with newcomers who were trying to break into pictures, notified the producers that the books would be closed. Several of the execs, noting a tightening of admittance oaks, suggested a demand that the rolls be thrown open to anybody who wants to be an extra.

SAG Council, fearing that the jobs of professional extras will be jeopardized by a flood of part-time volunteers, is reported to be outlining an appeal to the American Federation of Labor for protection. Several AFL leaders are understood to have been approached to assist the producers in the opening of the Class B membership lists.

Hundreds Are Suspended

To keep the B membership down to reasonable limits, the SAG-Producer Standing committee recently adopted a recommendation that extras who earned less than \$10 in 1939 be dropped from the books. As a further preventive of overcrowding, the Guild suspended hundreds of members who were two quarters behind in their payments of dues.

Still another reduction is indicated among the western extras, who have been ordered to pass rigid tests, or else. Among the 3,000 listed by the Guild, it is expected that from 1,500 to 2,000 will be eliminated when asked to go through their stuff in the saddle. Some tests call for cowboy riding, others for English saddles, fox hunting and steeplechasing. Trials will be held every Sunday with John Burger, head of the SAG work relations department, in supervision, assisted by a committee of riding judges to eliminate any possibility of favoritism.

Hardest tests will be those for western riders which include range work. It is figured that about 500 men and less than 100 women will register 100% in the exams. Trials are in line with the SAG plan to determine the ability of extras to perform in posse and other swift moving scenes in wild west pictures. Production, it was pointed out, is often delayed because incompetent riders endanger not only themselves but others working in the films.

No Bidding for Losers

When the final scores are compiled, they will be registered with Central Casting Corp. for reference in recommending candidates for riding jobs. Losers in the trials will retain their full standing as extras but will be removed from the horse-man or horsewoman classification.

Screen Writers Guild began a checkup on film scribes to find out the exact percentage of Guild shop men in the studios when the SWG-Producer agreement went into effect. Agreement provides that the percentage that prevailed at that time will continue during the six-month contract. It is estimated that SWG has a percentage of 80 or better on all lots.

Assurance was issued by the Sound Technicians that Local 695 of the International Alliance of Theatrical Stage Employees would be protected in case members were called for military service. All those called to the colors will receive a special U. S. withdrawal card suspending the payment of dues during their absence and guaranteeing their seniority rights.

Studio Contracts

Hollywood, Oct. 15. Warners renewed Marjorie Rambeau's contract. RKO lifted director option on Irving Reis. Dick Clayton's player option picked up by Warners. Michele Morgan drew an acting ticket at RKO.

Warners hoisted Lester Cole's option. Universal renewed Mischa Auer's contract.

Metro handed a player contract to Marjorie Main.

Samuel S. Hinds got an option lift at Universal.

Connie Gilchrist inked a player pact with Metro.

Kenneth Alexander drew a stock contract at 20th-Fox.

Universal handed an actor ticket to Charles Lang.

Anne Froelich signed to a writer deal at Warners.

Roy Harris signed a player contract at Universal.

Paramount put Dana Dale under contract.

William Boyd inked a new contract to play westerns for Harry Sherman at Paramount.

Paramount renewed Susanna Foster for one year.

Lelf Erickson and Cordell Hickman checked off the Paramount contract list.

WB WANTS ITS N. Y. REALTY TAXES CUT

Warner Bros. Pictures, Inc., and the Stanley Mark Strand Corp. filed a squawk with the N. Y. supreme court Friday (11) against the N. Y. City Tax Commission, complaining it was overassessed \$2,602,500 on its theatre property in New York. Warners claims its property was taxed at \$6,321,500 for 1940, whereas the actual value is \$3,719,000.

Property under dispute is the Warner Bros. warehouse at 617-27 West 54th street, assessed at \$1,026,500, while Warners claims the actual value to be \$641,000; the Hollywood theatre, at 217-39 West 51st street, assessed at \$1,125,000, with actual worth claimed to be \$800,000; the Warner theatre, on Broadway, assessed at \$750,000, with real value claimed at \$350,000; and the Strand theatre and office building, at Broadway and 47th street, assessed at \$3,420,000, real value claimed \$2,128,000.

At the same time Warners made its protest, the Intrastate Theatres Corp., of 309-29 West 44th street, filed a similar protest, claiming it was assessed \$1,385,000 for property worth \$1,035,000 and asking a reduction of \$350,000.

Griffith's OK Takeover Formally Consummated

Dallas, Oct. 15. The deal by which R. E. Griffith Theatres took over the O. K. Circuit has been completed, it is announced by R. L. Payne of the purchasing group. The transaction, called a \$500,000 deal on Elm street (film row), was handled by Payne and Oscar Korn of O. K. Theatres. Involved in the deal were 18 houses in 14 towns.

LaCava's U With Dunne

Hollywood, Oct. 15. Universal and Gregory LaCava have agreed on a one-picture producer-director deal for an Irene Dunne film. LaCava's last stint for the studio was 'My Man Godfrey.'

'Lady Eve' in Work

Hollywood, Oct. 15. 'Lady Eve' went into production yesterday (Mon.) at Paramount with Barbara Stanwyck and Henry Fonda in the star spots. Preston Sturges directs the Paul Jones production.

Time, Please

Hollywood, Oct. 15. 'California's All Right' association swung into its campaign against the proposed daylight savings bill, with Arch M. Bowles handling the drive in San Francisco and W. H. (Bud) Lollier at the wheel in Southern California.

Educational crusade against the changing of the clock is utilizing newspaper editorials, window cards, and automobile stickers. One of the slogans is: 'California Knows What Time It Is.'

20TH AND METRO BIDDING FOR 'BELL TOLLS'

Twentieth-Fox and Metro are leading the bidding—with most other companies eliminated by the high price—for screen rights to Ernest Hemingway's forthcoming novel, 'For Whom the Bell Tolls.' Top tag on record for rights to a book, \$150,000, has been placed on Hemingway's effort. It appears certain that he sold for film, although at considerably less than the asking price. Foreign situation has made studios wary of telephone number prices.

Highest figure ever paid for a book was \$110,000 passed out by RKO for 'Cimarron.' Second top was \$100,000 Metro gave for Fannie Hurst's 'Great Laughter.' Latter purchase was made at insistence of Irving Thalberg and has been on the shelf ever since as result of his death a short time later.

Hemingway book is due to be published in November and has an advance print order of 200,000, of which 140,000 are for a book-of-the-month group. It is located in the recent Spanish civil war, but it could be any war and the political and sex angles in it can be easily cleaned up, it is said by the studios.

Metro's Option

Metro's deal last week for 'Mrs. Miniver,' Jan Struthers' novel which currently tops the best-seller list, was an option for three months for which the studio paid \$5,000. If the sale is consummated—and M-G execs are more than willing to admit it may never be—price for screen rights will be \$40,000.

Unusual nature of the book is causing the dubiousness at Metro, since it has no running story, but is merely a series of incidents in the life of a good-natured English woman of 37 with three children. Story will have to be woven out of it. At Metro's request, Miss Struthers herself at short time ago tried her hand at a treatment, but it wasn't what was wanted.

Metro has assigned two top-priced writers to it, James Hilton and R. C. Sheriiff, in an endeavor during the three-month option period to fashion a yarn for Greer Garson. Miss Garson was featured with Robert Donat in Hilton's 'Goodbye, Mr. Chips' (M-G).

Warner Bros. paid \$8,000 for Irwin Shaw's play, 'The Gentle People,' which opened at the Belasco, N. Y., in January, 1939, and ran for 141 performances—17½ weeks. Franchot Tone and Sylvia Sidney were in it.

'Foundation Stone,' novel by Lella Warren, which is close to the top of the best-seller slate, is close to purchase, probably by Metro. Three-month option deal at \$5,000, similar to that on 'Miniver,' will probably be worked out. Story of the Civil War period, it resembles 'Gone With the Wind' in many respects.

Charles R. Rogers acquired 'Mermaids on Parade,' by William A. Pierce, for production at Columbia.

Selznick's 'Thumbs Up'

Tag 'Thumbs Up' was registered last week by David O. Selznick. At his New York office it was said the title has nothing to do with the Broadway musical of the same name some seasons back, nor has Selznick any other story to go with the label.

Producer will return to the Coast from New York in a few weeks. His plans for production are still indefinite, it was said.

OF PEOPLE AND PLACES

By The Skirt

The Best Dressed Woman of the Week

LE VERNE
'It Happened on Ice'
Centre Theatre

Ice Show Slightly Wonderful

Herbert Hoover got lots of snow dust in the first row of the Center Theatre Thursday night at the opening of 'It Happened on Ice.' Will Hays was with Mr. Hoover and when the skaters drew up to the front of the stage, a shower of snow covered them to such an extent that after the first act they moved back to the tenth row.

'It Happened on Ice' is lovely and, better still, it has Joe Cook. Great stuff this 1940 'comeback' of the old timers. Here on Broadway are Al Jolson, Ed Wynn, Alan Dinehart and now Joe Cook. Still very funny although not yet properly placed in a show that will undoubtedly be altered drastically before many performances. Up to the opening afternoon he wasn't in the finale but he sneaked it and was there for the last curtain. A great job in remodelling by Norman Bel Geddes. Credits read like a theatrical directory, including Eaves, Helene Pons, John Boothland, Mme. Berthe, Raymond Bufano, Lerch and A. Shindhelm, I. Miller, Nat Lewis, Elizabeth Arden, Joan Clair, Dazis, Maharam, and Gladstone, Jessie Zimmer, Larry Sittenberg, E. Lewis Bauer, Rose Bogadonoff, Stagecraft Studios, Wm. Oterbein, Century Lighting Inc., and Eugene Braun.

Is that a bunch of credits? The cost must have been staggering. Probably a more elaborately dressed production hasn't been done in New York since the old Hippodrome days. The materials and color schemes were breathtaking. The show ten episodes and from opening number dressed to the hilt.

Skaters are in the old-fashioned hooded clothes very like a painting. The boys are not neglected either and even with the nervousness of a first night the good looking girls and boys seemed to be having fun. A happier bunch, and who isn't happy on skates? Joan Edwards, a niece of Gus, singing with Felix Knight did what is known as a filler, that is if a set has to be struck there must be a coverup. And Miss Edwards was a good coverup. Her clothes were all lovely. The red jacket and black skirt was a foreground for the chorus in red and white striped skirts and black velvet bolero jackets. Small hats had quills made of meline. Miss Edwards then wore a two grey shade gown long and full, beautifully draped. An Elizabethan dress was of an exquisite material of yellow with gold dots.

Mary Jane Yeo a pretty skater was dressed in her first number in beige and brown. Hedi Stenut another soloist wore some lovely skating costumes as did Le Verne. Here is a miss to reckon with, she is the last word in skating, not a simple pirouette type, but jutterbug. Lots of rhythm and sense of comedy. She did her one number in the fascinating Turkish pants draped and the bare waist line was topped by a gold embroidered bodice. Too little of this Le Verne girl.

The chorus for the most part wore laquered wigs when they weren't in white wigs. The second act opening called 'Your Partner's Requested.' The black velvet dress suits of the men proved a lovely background for the shimmering glass material of the girls' dresses. The highlight was the finale done in copper.

Among the first nighters at this show were, Eddie Cantor and Ida, Sonja Henie, Block and Sully, Joe Pincus, Alice Boulden, Mr. and Mrs. Saul Stein, Mr. and Mrs. B. S. Moss, Leo Cook, Bobby Crawford and Mary, Mr. and Mrs. Damon Runyon.

The Well Dressed Cowgirl

The Rodeo has come back to the Garden with a better show than in former years although poorly routine. In the first place it starts too late. Especially at matinees. A 2:40 start has children tired, and restless by four o'clock, and they show it by their lack of enthusiasm. Also the public address system isn't what it should be. It may be the fault of the announcer, at any rate the names of the contestants were scarcely audible. The opening number, the parade of the horses and riders was a sight to behold, and how those entrants can ride. Having watched the Central Park Riders show light for years the riding of this bunch can be appreciated. Skig when a boy always broke the hearts of his instructors by insisting on the method of the Western mount. No posting for our Skig. As usual the girls coming to the New York Rodeo have always fascinated. This years bunch of girls consists of Alice Greenough, Pauline Nesbitt, Tad Lucas, Marge Greenough, Iva Dell Drakler and Mildred McHorner. They wear the cowgirl costumes and wear a color scheme by the many combinations. Blouses, trousers, caps and ten-gallon hats are of true color or shades that go all together. Anyhow they look like what the well dressed women on a ranch must wear.

Short Report on Music Hall

With only 28 in the ballet Florence Rogge of the Music Hall has clever faculty of making the stage look as though twice that number were taking part. The girls did look nice in the mauve meline, dotted with diamonds. Rockettes did a very short number in short skirts of some metallic material, the small puffed sleeves were rose as were the backs of the bodices. Hats and shoes were black and rose.

Deanna Durbin in Old Vienna

Deanna Durbin, now grown to woman's estate, is all she promised to be. She has what it takes. In her latest, 'Spring Parade' in old Vienna before Hitler, she's a peasant girl from the hills, wears the usual picturesque costumes and after arriving in Vienna and employed in a bakery the clothes are all long with aprons. One amusing scene is where the star is dressing and she must have put on at least a dozen petticoats in a restaurant scene. A dress is oddly made of ruschings with headings of black velvet. Calling on the Emperor's suit is of that period, long skirt and short jacket, with becoming hat. At a court ball Miss Durbin's gown, a low cut evening affair is very full of skirt with bertha effect of a soft ruching at the low corsage. It is notable that many hairdos are effected, all becoming. Gus Kahn has come through with many good numbers. Vera West did the costuming and did a swell job, especially in the ballroom scene.

A Third Visit

The Skirt saw 'Life With Father' for the third time recently at the Empire theatre. Those redhead kids get (being one of four reds herself) the Skirt. And it's not only the kids, it's Dorothy Stickney and Howard Lindsay. Running a full season already, this show will likely hang up another record. House capacity and giggles and guffaws plenty.

It's wonderful to be able to laugh these days. The bachelors and polonaise decade costumes become Miss Stickney, who wears them well and is a rare picture especially in the white embroidery one in the last act. The black velvet ribbons adorning the waist added the right touch. Ruth Hammond and Mary Skinner were most picturesque in same type of costume.

Their Recipes:

Mary Margaret McBride's Femington Chocolate cake:
Sift two cups cake flour, two cups powdered sugar. Four teaspoons baking powder, pinch salt. Sift all together three times. Melt over water six pieces bitter chocolate with one half cup butter. With an egg beater beat three eggs with one and a half cup milk, add this slowly to the flour mixture, then add melted chocolate. Add teaspoon vanilla.
Bake in two nine-inch buttered and prepared cake tins.
Icing. Melt six pieces bitter chocolate with one eighth cup warm milk, two cups confectioners sugar, little vanilla and heat to a fudge consistency.

ELECTION STALLS DECREE

'Consent Decree Most Disgusting Thing In Our Biz'—Kuykendall

By HARRY MARTIN

Memphis, Oct. 15. Describing the 'consent decree' as the most disgusting thing in our business today, Ed Kuykendall, president of Motion Picture Theatre Owners of America, told MPTOA of Arkansas, Mississippi and Tennessee members in convention here yesterday that 'turnout is inevitable' if the agreement is approved.

'I am deeply concerned by this whole trend toward Government intervention and regulation,' he said. 'It cannot make for a healthy program. There has never been so much disagreement in our business as there is today. We must have more cooperation between distributor and exhibitor or we are headed for disaster.'

'Today more than ever I am firm in the conviction that the distributors are the cause of all these lawsuits and trouble we are having. Either through stupidity or stubbornness they refused to go along on the point MPTOA program years ago that would have averted all this disturbance, and that contained about 65% of the present Government decree.'

'The Neely Bill is out for this session of Congress, but something else is sure to follow unless we put our house in order. As for the consent decree, everyone knows they have gotten completely away from what they started out to do, to eliminate unfair monopoly hurting the little fellow and improving movie service to the public. This does neither.'

Many Things Objectionable
'Many things in it are objectionable. Some points are so vague as not to be at all understandable. These secret sessions got under my skin, by the way. We were not parties to the suit, of course, but our business was being dealt with. It was our money they were shuffling around behind those doors. We exhibitors should have had some voice. Technically the judge was correct when he said we had no right to participate, but common sense would have worked the other way.'

'This selling in blocks of five is all wrong. It will create a seller's market and place the small buyer entirely at the mercy of the distributors. It will cause turmoil in this business.'

Kuykendall described the arbitration feature as 'another dangerous development that would place our business in the hands of outsiders.'

'The Department of Justice has shown a complete lack of understanding of this business,' he said, 'and when it is all over, signed, sealed and delivered, it is the exhibitor who will be the loser. We face a real problem, whatever happens. I am very pessimistic about the effects generally.'

The MPTOA president said 'generally higher admissions are impossible unless we are to have a generally higher quality of product.' Forecasting a shortage of product, he urged tri-state exhibitors to 'conserve your better pictures; get all the money you can out of each one.'

Plug for the Trade Press
The trade press came in for a bow when he urged showmen to 'read the trade papers, so you will know what is going on; they're doing a great job.' But a moment later he rapped 'movie fan magazines' for 'dressing the glamor of this industry by giving away too many secrets and too much of the background of movie making.'

'The studios generally are doing a great job under the circumstances and I think it most important that we keep our quarrels away from Hollywood,' he said.

Warning owners that 'we must face the possibility of army theatres' in discussing the effect of the preparedness program on business, he said 'this money unless they take these theatre projects too far. During the last war, it got to where instead of the boys coming in to town to take a girl to the movies, the girls went out the camps to attend

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AFL Scores One

Washington, Oct. 15.

Another A. F. L. victory in the motion picture studios chalked up Monday (14) with designation by the National Labor Relations Board of the Brotherhood of Painters, Decorators and Paper Hangers of America, Local No. 644, as sole bargaining representative of scenic artists and assistant scenic artists working in nine Hollywood Motion picture studios.

Based on a secret ballot election conducted Sept. 26-27, agreement was reached when 58 votes were cast for the A. F. L. union against 16 for Scenic Arts Association of America, Inc.

Companies expressing a preference for the union were Warner Bros., RKO, 20th-Fox, Columbia, Loew's, Universal, Goldwyn, Paramount and Roach.

AFL BRUSHOFF BY NLRB ON PIX CLERKS

Washington, Oct. 15.

Tossup over the collective bargaining agency with which clerical employees of seven Hollywood film studios wish to do business was ordered Wednesday (9) by the National Labor Relations Board.

Roughly snubbing the American Federation of Labor, the board of federal scribes and typewriter-punchers, etc., a choice between two unaffiliated unions—Screen Office Employees Guild or the Fox Guild Federation, however, won its argument that casting directors and assistants were not entitled to the ballot.

Within 30 days the pencil-pushers and other clerical help at Columbia, Metro, RKO, Republic, Hal Roach, Universal and Walter Wanger studios will make up their minds on whether they want to deal with their bosses through S. O. E. G. Meanwhile, the 20th Century-Fox gang will choose between the latter company union and the 20th C. studio office employees Guild. Petitions for elections at Selznick and Samuel Goldwyn studios were tossed out by the board.

Position of the Federation of Labor is not clear; the board observed, noting a scrap over the assertion that any person performing casting work is either a director or assistant director.

Barred from the elections are: Casting directors and assistants, outside messengers in transportation department, laboratory shipping clerks, script clerks, personal secretaries to officers, general production managers, treasurers, public relations directors, legal department heads, controllers and others with the right to hire or fire and a chance to recommend concerning employment.

PAR'S BACKLOG OF PIX GOES TO PHONOVISION

Paramount has negotiated a deal with Phonovision jukebox company headed by Sam Sax and Frank Orsat, under which it will make available to Phonovision all its shorts material produced to date and, from time to time as desired, will produce additional film for the company.

For some years Par has also turned over rights to 16 mm. manufacturers, including feature product,

'CONSENT' MAY LAG PAST NOV. 5

Bickering Continues Between Attorneys, Both for the Government and the Five Major Film Producers-Distributors

WILL PRESS OTHER 3 COS.

Reaching what may develop into an impasse on the proposed consent decree, with continued bickering between attorneys of the Government and five major producer-distributors, the final draft of the settlement agreement now may not reach the court for consideration until after the election. That is Nov. 5. Whether or not a new administration in Washington would change the status of the situation is something else again.

In addition to fussing over language of the consent decree and, as jealously commented in one quarter, probably the placement of a couple commas, it is reported that meetings during the past week have also been concerned with the position of the Government regarding other anti-trust actions, such as against the Schine, Griffith and Sudekum circuits, which are independent. Thurman W. Arnold, head of the D. J. anti-trust division, informed major company attorneys that it was the Government's intention to prosecute the three suits.

With exhibitor forces prepared to pitch into battle: when and if a consent decree reaches Judge Henry W. Goddard, who has jurisdiction in the matter in N. Y. federal court, the campaign against certain provisions of the agreement, notably sales of pictures in groups of five, is growing in force each day. Due to lack of accord on the consent decree between attorneys who met several days last week and also Monday (14), postponement of submission to the court, if then ready, has been taken to Oct. 22.

Bob Wilby, southeastern Paramount partner, and Fred Kent, counsel for the E. J. Sparks circuit in Florida, also affiliated with Par, were in New York last week girding for a fight against the decree on the courtroom floor but, learning there would be an adjournment, they left Friday night (11). Wilby returned to Atlanta and Kent to Jacksonville to await the definite date when the decree would be placed in Judge Goddard's hands.

Spokesmen
Wilby and Kent are acting as spokesmen for all the Par partners in the vast domain of theatres which make up the Par exhibition branch. It is understood and on authority believed legal that Wilby and Kent will have standing in Judge Goddard's court because they and other Par partners are indirectly defendants in the Government suit since it is against Par and all its subsidiaries. Kinney-Wilby, Sparks circuit and others are among these subsidiaries.

This being the case, they will not have to seek intervention or come in under 'amicus curiae' (friend of the court) simply with view to rendering their opinions to Judge Goddard.

While independent exhibitor groups throughout the country continue their protests against the five-picture group selling plan, as outlined in the decree as a substitute for the existing methods of blockbooking and blind-selling, the film company defendants have shifted their gun-sights to detailed analysis of the potentialities of the arbitration clauses.

Exes Vehement
It is known that several top executives who read the decree draft in printed form raised vehement objection to some of the language defining the issues subject to arbitration on the ground that they experienced

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Par Not Selling Away From WB In Philly Zone, Stalemate Overcome; NW Allied-MG Parley; Other Deals

80% SWG Shop

Checkup by Screen Writers Guild reveals better than 80% 'Guild shop' at all studios when the contract with producers became operative last week. It assures writers that run of studio scribes during the life of the six-month contract.

Screen Actors Guild board voted to issue suspended membership cards to those called into military service which carries with it waiver dues payment until mustered out.

Following lengthy negotiations which it was rumored over the weekend, were bogging down and might result in Paramount selling away from Warner Bros. the Philadelphia area, the two companies have reached an agreement covering Par's 1940-41 product.

In stating yesterday (Tues.) that a deal satisfactory to both sides had been completed, Neil F. Agnew, v.p. in charge of distribution for Par, added that the negotiations had never been off though a deal has been in work for some time. Agnew also asserted that reports from Philadelphia that Par was selling away from Warners in that key were not correct in view of the fact there had not been a break in the product negotiations.

Sale of Par product in neighborhoods or adjacent to Philadelphia proper has not been in opposition to Warner theatres, the Par distribution chieftain saying that no contracts have been received that are with houses in conflict with WB.

Par contract with WB is for one year, as all are now in view of the proposed consent decree. Asked if Par got a better deal from WB's Philadelphia circuit for the '40-41 season, Agnew said that he hoped it was 'a good deal for both of us.'

PHONEY TITLE GAG TO FORE AGAIN

Use of double titles on major company product, which has flared in recent weeks on 42d street (N. Y.) theatre marquees, is a new source of annoyance to distributors. The switches such as 'List of Vengeance' as the second tag for 'The Champ' and 'Assignment to Murder' for 'Roaring Twenties' concern major company product. In the past the alternative tag was used on pictures from independents or handled by state-righters since no longer distributed by the original major distributor.

Copyright experts in New York believe that such title usage even though 'quotes' often are omitted invites damage suits. Sooner or later, they claim, the use of a title held by another company is certain to bring down the law. Such a suit would be solely against the exhibitor unless shown that the original distributor agreed to use of a secondary title. In the bulk of cases, where the alternative title is employed along with the original one, distributors disclaim any authorization. They contend the exhibitors are doing it strictly on their own responsibility.

Idea back of splashing the lobby and marquee with these alternative tags, of course, plays the customer for a sucker. He's led into believing he will see a new picture, especially when the second title gets an equally prominent play with the copyrighted one or is played up above the real title. Copyright Protection Bureau people say that it is entirely up to the distributor to make the squawks since they own the original title. Other recent secondary titles include 'Andy Hardy Meets a Del' and 'King of Smugglers' for 'Diamond Frontiers.'

LOEW'S BUYS PIX FOR BUFFALO POOL WITH PAR

A deal has been closed between Paramount and Loew's under which the latter assumes all buying-bookings duties for the theatres in the Buffalo area grouped in Buffalo Theatres, Inc., formerly Publix-Shea, operated by Vincent McFaul. Loew's holds a one-third interest in the group, numbering around 15 theatres.

McFaul was in New York during the past week on the deal which turns over all buying and booking for the houses to Loew's. They are located in Buffalo and several nearby towns, including Niagara Falls and Tonawanda.

Paramount continues in operating control of the houses, with McFaul remaining in charge as general manager, without change.

Threatened Selling Away

Philadelphia, Oct. 15. Earle Swiebert, Philly branch manager for Paramount, had announced on Friday (11) that Para was 'selling away from Warners this season.' This unprecedented move came on the heels of reports that negotiations between Paramount and the Stanley-Warner circuit over a contract for 1940-41 product had reached a stalemate.

Ted Schlanger, S-W zone chief, said that the chain had been unable to get together with Paramount but hoped that the differences 'could be ironed out.' He refused to comment on Swiebert's 'selling away' announcement.

Northwest Indies Try Amelioration With M-G

Minneapolis, Oct. 15. Northwest Allied has decided to try to gain its goals with the distributors through arbitration instead of fighting and, in line with this policy, Twin City independent exhibitors, members of the organization, got together with Jack Flynn, Metro district manager, at two conferences in an effort to obtain 'relief.'

Flynn heard the exhibitor leaders tell of the necessity of lower film costs in this territory, because of generally adverse business conditions. It was pointed out to him that the Northwest has had little benefit from British war spending and that only an 'infinitesimal' amount of U.S. Government defense orders are coming here.

Previous to the Flynn conferences, two Northwest Allied representatives went to Chicago to ask W. F. Rogers, M-G general sales manager, to alter the company's rental and percentage demands, but thus far no relief has been forthcoming, as far as can be learned.

Here Flynn listened respectfully to the exhibitor complaints. It was hoped by the exhibitors that he at least would carry back their story to the home-office. Following the conferences, Flynn said that there was a discussion of common problems. On the producers' part, it was pointed out that new sources of income must be found to replace those cut off as the result of foreign market losses if

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Upstate N. Y. Indies Form Own Exhib Organization; Bids Fair To Become Strongest Unit In MPTOA

Laying plans to organize New York State into what promises to become the most powerful unit in the Motion Picture Theatre Owners of America, leaders of the western part of the state headed by A. C. Hayman, Buffalo, independent, are extending the scope of their activities as far east as the Albany sector. Meantime, Allied Theatre Owners of New York, of which Max A. Cohen is president, has affiliated with the MPTOA.

Allied States Assn., headed by Col. H. A. Cole of Texas and more on the radical side than the MPTOA, is not organized. N. Y. state, with result every indication is that the MPTOA and affiliated circuits that are a part of it, is moving in for almost complete control. In other words, the MPTOA is laying siege to N. Y. state to the exclusion of Allied, with which it doesn't get along so well.

Cohen's Allied Theatre Owners organization was formerly in the Allied States Assn. camp, but Cohen, disagreeing with Col. Cole, Abram Myers and other leaders in the organization, stepped out last summer. He tied up with the MPTOA about two months ago. Cohen's membership of around 200 is mainly in the lower part of the state, including Greater New York, while the new organization upstate will embrace territory in which his outfit doesn't function.

Setup

New organization, known as Motion Picture Theatre Owners of New York State, Inc., is being set up by the old MPTOA of Western New York. Jules Michael, now dead, was president of this unit in the MPTOA for many years, being succeeded last year by Hayman, who operates the Lafayette, Buffalo, and houses in surrounding towns. It has been a very active organization (but has confined itself to the Western N. Y. area and exhibits served out of the Buffalo exchanges).

Each distributor maintains Albany branches, this point being wedged in between N. Y. City and Buffalo, whereas under the new organization move the entire state will be in the MPTOA column for strong representation, affiliated circuits being included in the present move to solidify the whole state. These include Vincent R. McFaul of Paramount, operating theatres in the Buffalo area; Louis Golding, division manager upstate for the Fabian circuit which is hooked in with Par; and Charles Smakwitz, Warner district manager in the Albany territory. Great additional strength is lent through the membership and support of Louis Schine, who has been a member of the MPTOA of Western N. Y. Schines have a couple pools with RKO and Par.

The N. Y. state territory to which the MPTOA is laying siege while Allied has done virtually nothing to gain a foothold within it, is of great importance not entirely because it has more theatres than any other state but because the vast majority are independent. Of the 1,423 theatres, with a total seating capacity of 1,380,606, less than 5% are in the major producer-distributor column. Schine circuit is the most powerful among the indie circuits in the state and support of this chain is viewed as being of vast importance in the warring of exhib association power.

Hayman Heads It

The MPTOA of New York State, incorporated during the past week, has Hayman as president, while other incorporators include J. Myer Schine (brother of Louis), McFaul, N. J. Basil, G. J. Samuel, H. G. Dillemuith, and as counsel, Sidney B. Pfeiffer. A meeting was held in Albany last week, attended by Ed Kuykendall, president of the MPTOA, who sounded the call for a united front as a means of making the voice of exhibitors felt in determining future policies and the extent of governmental control or interference in the industry.

Kuykendall was the chief of the consent decree, saying that apparently it had been drafted by producer and Government attorneys with little thought to the wishes of the exhibitor. He also blasted the provision concerning sales of film in blocks of five.

While headquarters of the MPTOA

Flack in Flight

Hollywood, Oct. 15. Film exploitation has developed wings, flitting from coast to coast and dropping publicity bombs on intervening points. Current record holder is John LeRoy Johnston, who has winged 26,000 miles in six weeks, showing plugs-in-various-cities for two Walter Wanger pictures, 'Foreign Correspondent' and 'The Long Voyage Home'. He has flown across the continent four times since July 31.

TUGBOAT ANNIE GETS OFFICIAL TACOMA TOGA

Seattle, Oct. 15. World premiere of 'Tugboat Annie Sails Again' has been set for Friday (18) at Tacoma. Mayor Harry Cain has proclaimed it to be 'Tugboat Annie Day', with waterfront traditions of the northwest carried out in street decorations, a marine parade, banquets and dances.

Marjorie Rambeau, Alan Hale, Ronald Reagan and Donald Crisp are scheduled to come on from Hollywood for personal appearances at the three Hamrick theatres, Roxy, Broadway and Blueumeau.

Original yarn by Norman Reilly Raine was inspired by Thos. Foss, of Tacoma, but the Tacoma mayor pointed out that the film reflects credit on Seattle and other Puget Sound ports. Large delegations from here are planning to attend. 'Tugboat Annie Day' will be an annual event hereafter officially.

Ernst Toller's Estate Settles 'Pastor' Suit

Suit of George Garfield, as administrator of the estate of Ernst Toller, against James Roosevelt, United Artists Corp. and Grand National Pictures, Ltd., has been discontinued and settled out of the N. Y. federal court. Action charged infringement of Toller's book, 'Pastor Hall', in the GN film of the same name. Suit sought an injunction, accounting of profits and damages.

Action was settled by H. William Fitelson, of Fitelson & Meyers, attorney for Grand National, who was successful in his contention that an agreement was in existence for rights to reproduce the book. All monies accruing for the benefit of Toller's estate will be paid to Garfield with an immediate payment made of \$2,500 plus 5% of Grand National's gross on the film. Glass & Lynch represented the plaintiff.

Wurtzel's Near-Washup

Hollywood, Oct. 15. Sol M. Wurtzel washed up nine of the 12 pictures assigned to his executive schedule at 20th-Fox with the completion of 'Michael Shayne, Private Detective'.

Three pictures remaining on the Wurtzel slate are 'Ride On, Vaquero', 'Uncensored' and 'Sleepers East'.

No Clash with N.Y. Allied There will be no conflict with Cohen's Allied Theatre Owners of N.Y. headquarters in N.Y. City, with the MPTOA, in effect, having two units within the borders of the big state. In fact, Cohen and Hayman have been working together closely right along and previously agreed not to encroach on each other's territories so far as membership and activity were concerned.

It was also agreed that the two organizations, Allied and the former MPTOA of Western N.Y. would work together for the common good, including on legislation. Hayman's unit has always been active on legislative matters.

Korda, Small Split Studio

Hollywood, Oct. 15. Alexander Korda and Edward Small split first call for production space on the General Service lot for the next year. Combination agreed to guarantee the studio a minimum rental for that length of time. Other producing companies are allowed secondary space reservations when the Korda and Small outfits are not in work.

BRANCH MGRS. RED CROSS CO-OP

Designating their branch managers as district coordinators, the major film companies will handle the distribution and booking on a nationwide scale of the special picture which the industry is contributing for the picture business' American Red Cross membership campaign starting Nov. 11. Major L. E. Thompson, v.p. of RKO, chairman of the drive.

All production costs were contributed by Warner Bros. studios, which planned and made the film especially for the industry's Red Cross campaign. Deanna Durbin, whose singing of 'Rose of No Man's Land' is featured, and other stars appearing, gratis, made the short possible.

Eastman Kodak Co. donated 2,000,000 feet of film for prints while DuPont contributed 300,000 feet. Consolidated Film Industries is making the prints.

District coordinators (branch managers) in each of 31 distributing zones will handle bookings in their territories. Prints will be forwarded to designated film exchanges in plenty of time to start showing the short Nov. 10.

MPTOA CONVENTION UNLIKELY THIS YEAR

It is very improbable that the Motion Picture Theatre Owners of America will hold an annual convention this year, which will make it two in a row that the exhibitor association has not had a mass powwow of its members.

The fact that theatre grosses are not up to expectations and exhibitors are worried concerning their business, something to which they are giving constant attention now, is ascribed as one of the reasons. Every national convention usually costs each member exhib \$200 to \$300, in addition to their time. The last was held two years ago this fall in Oklahoma City.

A board meeting is likely for later this fall at an undesignated place. One was held a year ago at White Sulphur Springs, Va.

Arch Reeve Out as Ad Manager for 20th in N.Y.

Arch Reeve, advertising manager for 20th-Fox, the home office, resigned yesterday (Tues.) and as soon as he clears up matters demanding his attention here, he will return to the Coast. He has maintained a home out there ever since transferring east six years ago from the 20th-Fox studio. He previously was in charge of publicity and advertising at Paramount in Hollywood.

No consideration has been given to a successor as yet, it is stated.

Back in the Stirrups

Hollywood, Oct. 15. Bill Boyd is riding the range again in Paramount's 'Doomed Caravan' for the first time since he broke a leg five months ago when his horse bumped into a tree in the same picture.

Harry Sherman had a troupe of 150 to the Kernville location for the final outdoor scenes after shooting indoors at the studio for two weeks.

2 New Houses in Cincy; Dixie Very Active; Other Theatre Construction

Fogs to Order

Hollywood, Oct. 15. Fog machine, developed to produce an American mist for Frank Capra's 'Meet John Doe', has gone in for international weather. Its next job is to spread pea-soup clouds over the 'Thames River' in the Warner picture, 'South of Suez'. Apparatus, said to be an improvement over the old fog-makers, works on the automobile carburetor principle and can produce heavy weather in any language.

METRO'S FIELD STAFF AT ALL-TIME PEAK

Convinced that active cooperation with exhibitors, but via regular field men is beneficial, Metro's exploitation division headed by W. R. Ferguson is now the largest in its history. Thirty representatives now are regularly assigned to posts out in the field, as compared with only 24 last year.

Previous to launching the campaign on 'Gone', Metro had around 20 such representatives, but three were added then and the others subsequently. Attitude of Metro is that with so many percentage films being played, it is for the distributor's benefit to have strong active co-operation with exhibitors. In this regard, too, the company has not overlooked the importance of the independent exhibitor, three men presently assisting indie operations in selling Metro product.

Training Field Cinema Doing Big Biz Already

San Antonio, Oct. 15. Dodd field recruits are now attending picture showings in their own theatre. With the rapid growth of the local fields, need was felt for this post to have a house of its own. Within four days after work was started, the theatre staged its first performance. Although it has canvas walls and a star-studded ceiling, house is full every evening. Seating capacity is 750 and the show is changed daily. Soldiers are charged 15c admission.

SETTLE LAB STRIKE

Jack Cosman Gives In on Vacations to Men

Six-day strike at Producers Laboratory, N. Y., was settled by arbitration Monday (14) afternoon. Pickets who paraded in front of the building housing the lab on both Broadway and Seventh avenue at 48th street were called off and resumed work yesterday (Tuesday) after having been out the previous Tuesday.

Union maintains that its men by the terms of the contract with it were entitled to one week's vacation with pay between May 1 and Sept. 30 and Jack Cosman, of the lab, refused to give it to them. Cosman maintains he had the option of giving it whenever he chose. Settlement gave each of the employees a week's pay without further time off.

Lull Before the Spurt

Hollywood, Oct. 15. Production at 20th-Fox slows down during the last two weeks of the month, preparatory to a new spurt beginning Nov. 1. Completion of three pictures this week leaves only one feature, 'Western Union', on the active list. Among the starters on Nov. 1 are 'Rings on Her Fingers' and 'Breach of Discipline'.

'Keeping Company' Starts

Hollywood, Oct. 15. First production chore by Samuel Marx under his new Metro contract, 'Keeping Company', went into work with John Shelton and Ann Rutherford heading the cast.

Story is authored by Herman J. Mankiewicz, and S. Sylvan Simon directs.

Cincinnati, Oct. 15. The Vogue, new 800-seat theatre in Hartwell, opened Saturday (12) as the fourth nabe operated here by Maurice A. Chase. His other houses are the Avon, Crescent and Rose-lawn.

Opening of the Times, 640-seat cinema on the former Times-Star building site at Sixth and Walnut, downtown, is set for Oct. 23. It will be operated by Ike Libson. Cine-theatre exec. and director of RKO theatres here and in Dayton, O. Scale will be 20 and 30c and policy will be second runs. Taft estate owns the Times, which is in a store building.

Dixie Construction

Spartanburg, S. C., Oct. 15. Carolina Amus Co. has signed lease for two 25-year periods on up-town lot as site for new house. Construction plans not yet announced. J. M. Reynolds, Jr., and W. R. Roswell, operators, Greenland, Greensboro, Ga., plan new 660-seater.

New Ritz being built at Starke, Fla., opens Jan. 1. House, a 1,000-seat layout, will be managed by George Manassa.

New State, Timmonsville, S. C., opens this month. Seats 800.

Hugh Richards building new \$17,000 house at Carrollton, Ga.

Old Wallace, Bradenton, Fla., being remodeled as addition to Sparks chain. Palace at Bradenton, Fla., being modernized, new marquee, etc. Harvey Botta manager.

Ritz, Greenville, S. C., also being remodeled. Fred Curtis manager.

Fred Reid, former manager State, Spartanburg, now managing State, Wilby-Kinney chain, Hendersonville, N. C.

Beach, new Miami Beach unit in S. A. Lynch-Paramount chain, set for Dec. 1-15 opening. Seats 1,600.

J. W. English, owner-operator, building new \$50,000 Seminole house at Homestead, Fla., to replace old Seminole burned last spring.

Kyle Harris receiver, currently advertising public sale by court order on Oct. 26 of New Orpheum, North Wilkesboro, N. C., equipment included.

Vogue at New Port Rich, Fla., dark one month for repairs.

Dr. J. T. Greene's new Elmore, S. C., house completed.

Battle Creek's New 1,500-Seater

Detroit, Oct. 15. The Bijou, new 1,500-seater which replaces the first of the Butterfield's circuit's houses in Michigan, was opened this week in Battle Creek. The house will carry on the name of the first of the chain which now numbers well over 100.

Oskar Korn's New Nabe

Houston, Oct. 15. Oskar Korn, Dallas theatre operator, plans a new suburban theatre in Lindale Park, a Houston suburb, capacity 800.

Austin's First Drive-In

Austin, Oct. 15. This town's first drive-in theatre is set to open Oct. 15, according to Eddie Joseph, local merchant, who is building the house. Will have 450-car capacity, managed by Harry Hall.

Newest N. Y. Newsreeler

Airlines News theatre, New York's new newsreel house, opens tomorrow (Thursday) night. Operated by David Rubin, who also runs the Grand Central Newsreel theatre, the operation is in the Airlines Terminal building, East 42nd street, opposite the Grand Central Terminal station.

Theatre has 528 seats. It will operate on the same scale as other newsreelers in N. Y., but will change programs twice weekly instead of once per week as at the G. C. house. Opening was delayed by the city-wide painters' strike.

484-Car Drive-In

San Antonio, Oct. 15. The new 484-car, Texas Drive-In, is scheduled to open here on Friday (18). House has nine ramps and is steel constructed. At intervals of 10 feet there is a total of 254 speakers. Each ramp is controlled by the usher and has its own volume control. Hal Norfleet will manage. Theatre is one of the group being constructed throughout the state by W. G. Underwood and C. C. Ezell.

Chl Healthier; 'Rockne'-Vaude Big \$40,000, Lombard-Laughton Nifty \$16,000, Lowe-Dvorak-Maisie, 17G

Chicago, Oct. 15. Business is generally on the up-beat in the loop, with strong making this understandable. Palace took an adults only rating for "They Knew What They Wanted." On an excellent selling job and with Charles Laughton in for a brief personal on opening, the wicket got away to a fast whirl and looks for a bright money session.

"Knute Rockne" is getting the male element and WB younger collegiate mob for plenty of evening trade, but the matrons are not too sure about the footballer. However, the big Chicago will come up with a highly satisfactory mark. House has been running a series of Thursday night "previews" in recent weeks to support flabby grosses, but it appears that this will be complete work when that preview will not be necessary.

Edmund Lowe-Ann Dvorak-Carole Landis heading the State-Lake bill, bringing their home into a happy session, but the Oriental has the busted chair of the week with its "Uncle Walter's Doghouse" radio show the stage. Will get one of the poorest marks for the Oriental in a long time.

Estimates for This Week
Apollo (B&K) (1,200; 35-65-75)—"Westerner" (UA). Here after a good fortnight in the Roosevelt and going to \$5,000, good. Last week, "Pastor Hall" (UA), 3,000, good. Three sessions to net \$3,000 for closer.

Chicago (B&K) (4,000; 35-55-75)—"Rockne" (WB) and stage show. Jimmy Dorsey onch on stage. Not attracting the females, but getting enough of the others to account for being \$40,000. Last week, "No Time Comedy" (WB) and vaude, managed all right \$31,000.

Garrick (B&K) (900; 35-65-75)—"Time Comedy" (WB). Shifted here for additional looping and figures for \$4,500, okay. Last week, "Sea Hawk" (WB) and \$3,000, satisfactory for third downtown session.

Oriental (Jones) (3,200; 28-44)—"Love Again" (M-G) and vaude. Uncle Walter's Doghouse radio show heading on stage. Stage item a disappointment and letting wicket slump to unhappy \$12,000, poorest in some time. Last week, "Secret Seven" (WB) and Ina Ray Hutton band on stage, snappy \$15,900.

Palace (RKO) (2,500; 33-44-66)—"They Knew What They Wanted" (RKO). Selling job doing trick currently and Lombard-Laughton will add up to merry \$16,000. Last week, strictly sales work on "Argentine Night" (UA) and "Dance Girl" (RKO) turned in profitable \$12,700.

Roosevelt (B&K) (1,500; 35-55-65-75)—"Down Argentine" (20th). Came in hurriedly and got a fairly satisfactory under the conditions. Last week, "Westerner" (UA), finished two-weeker to good \$7,900.

State-Lake (B&K) (700; 28-44)—"Gold Rush Maisie" (M-G) and vaude. Edmund Lowe, Ann Dvorak and Carole Landis on stage bounding the register to \$17,000, excellent. Last week, "Drive Night" (WB) and Lou Breese orchestra good \$15,700.

United Artists (B&K-M-G) (1,700; 35-65-75)—"Strike Up Band" (M-G) (2d wk). Holding to rapid boxoffice pace on marquee name and will take \$10,000, fine following \$15,400 last week.

Woods (Essanay) (1,200; 75-110-115)—"Gone With the Wind" (13th week). Now slated to fold Oct. 15. This is apparently a final order. But it may not come off due to the fact that with the posting of the closing notice once more the trade zoomed to capacity, with sideways holdouts again in evidence. Which means \$13,000 this week. Last week was still good at \$6,600 without the closing notice. If the flicker does Yamose, house figures to return to 30c subsequent run grind unless something else turns up.

Brigham Plus 'Profile' Nice \$16,500 in B'klyn

Brooklyn, Oct. 15. Fabian Paramount looks strong with "City for Conquest" and "Earl of Puddleston". Second week of "Boom Town" at Lowe's Metropolitan is fine. Fabian Fox, with "I Want a Divorce" and "Stranger on 3rd Floor", will also come through with nifty take.

Estimates for This Week
Albee (RKO) (3,274; 25-35-50)—"Brigham Young" (20th) and Great Profile (20th). Good \$16,500. Last week, "Dance Girl" (RKO) and "Ram-pants" (RKO) net \$19,000.
Fox (Fabian) (4,000; 25-35-50)—"I Want a Divorce" (Par) and "Stranger on 3rd Floor" (RKO). Nice \$17,000. Last week, "Rangers Fortune" (Par) and "Blondie Servant" (Col), quiet \$14,000.
Met (Loew's) (3,618; 25-35-50)—"Boom Town" (M-G) (2d wk). Splen-

did \$18,500. Last week, first rate \$25,000.
Paramount (Fabian) (4,126; 25-35-50)—"City Conquest" (WB) and "Earl of Puddleston" (Rep). Attractive \$25,000. Last week, "No Time Comedy" (WB) and "River's End" (WB) (2d wk) good \$15,000.

Strand (WB) (2,870; 25-35-40)—"Carolina Moon" (Rep) and "Girl Goes Country" (Rep). Peaceful \$4,500. Last week, "Del. from Havana" (Rep) and "Hell's Cargo" (Rep), dull \$4,000.

'ARGENTINE' NEAT \$10,000 IN BUFF.

Buffalo, Oct. 15. Though peak fallies are absent from the downtown wicket lineup for the current semester, the general level is good. All houses are romping along with ace film offerings.

Duals are on parade at all but the Buffalo, where "Knute Rockne" is doing nicely. "Spring Parade," "Argentine Way," "Pastor Hall" and "Frontiersman" are okay.

Estimates for This Week
Buffalo (Shea) (3,500; 35-40-60)—"Rockne" (WB). Hitting neat \$15,000. Last week, "Want Divorce" (Par) and Major Bowes Talent Parade, not too fancy, but okay at \$15,500.

Great Lakes (Shea) (3,000; 35-55)—"Argentine Way" (20th) and "Sky Murder" (M-G). Rosy \$10,000 indicated. Last week, "Westerner" (UA) and "Calling Husbands" (WB), healthy \$11,000.

Hipp (Shea) (2,100; 30-45)—"Frontiersman" (20th) and "Great Profile" (20th). Will grab satisfactory \$7,000. Last week, "Strike Up Band" (M-G) (2d run), perky, \$7,300.

Lafayette (Hayman) (3,300; 30-40)—"Spring Parade" (U) and "Leather Pushers" (U). Bang up \$11,000. Last week, "Mummy's Hand" (U) and "South Karanga" (U), nice \$9,000.

10th Century (Dinon-Basil) (3,000; 30-40)—"Pastor Hall" (UA) and "Earl of Puddleston" (Rep). Should trap stout \$8,000. Last week, "Faces West" (Rep) and "Funzafire" on stage, good \$12,000.

'Breakfast' a Hearty \$3,400 Out in Lincoln

Lincoln, Neb., Oct. 15. "Rockne" was played smartly in its current booking, taking the local play weekend end last, when team was out of town, then, by virtue of its freshness, catching heavily with the crowd coming here this weekend for the Indiana-Nebraska game.

The 11-day day is in upper brackets. New pictures are "Down Argentine Way" and "Stayed for Breakfast." General b.o. picture is a little better than it has been.

Estimates for This Week
Catonal (Monroe-Noble-Federer) (750; 10-15)—"Flying Irishman" (RKO) and "Thundering West" (Col), split with "Gambler Lady" (RKO) and "Man Monterey" (WB). So-so \$700.

Last week, "Man's High Seas" (WB) and "Annabel Tours" (RKO), split with "Red Butte" (U) and "Spell-binder" (RKO), fair \$800.

Lincoln (Cooper-Paramount) (1,500; 10-25-30-40)—"Knute Rockne" (WB). Road (Col). Started Sunday (13) for five days. Set, \$14,000. Five days previous, "Queen Yukon" (Mono) and "Earl Puddleston" (Rep), slow \$3,300.

Variety (Noble-Federer) (1,000; 10-20-25)—"Glamor" (Col). Started Sunday (13) for five days. Set, \$14,000. Five days previous, "Queen Yukon" (Mono) and "Earl Puddleston" (Rep), slow \$3,300.

Warner (Noble-Federer) (1,000; 10-25-30-40)—"Stayed for Breakfast" (Col). Getting customers in ratio to laughs and will get good \$3,400. Last week, "South Pago" (UA), fair \$2,700.

First Runs on Broadway (Subject to Change)

Week of Oct. 17
Astor "Great Dictator" (UA) (15). (Reviewed in Current Issue)
Capitol—"Great Dictator" (UA) (15)
Criterion—"Quarterback" (Par). (Reviewed in VARIETY, Oct. 2)
Globe—"Captain Caution" (UA) (19).

Musie Hall—"They Knew What They Wanted" (RKO) (2d wk).
Paramount—"Arise, My Love" (Par) (16).

Blat—"So You Won't Talk" (Col).
Rivolt—"Long Voyage Home" (UA) (2d wk).
Rox—"Down Argentine Way" (20th) (18).

(Reviewed in VARIETY Oct. 9)
Strand—"Knute Rockne—All American" (WB) (18).
(Reviewed in VARIETY Oct. 9)

Week of Oct. 24
Astor—"Great Dictator" (UA) (2d wk).
Capitol—"Great Dictator" (UA) (2d wk).

Globe—"Night Train" (20th) (26).
Musie Hall—"The Westerner" (UA) (Reviewed in VARIETY Sept. 25)
Paramount—"Arise, My Love" (Par) (2d wk).

Blat—"Mexican Spitfire Out West" (RKO).
Rivolt—"Long Voyage Home" (UA) (3d wk).
Rox—"Down Argentine Way" (20th) (2d wk).

Strand—"Knute Rockne—All American" (WB) (2d wk).

'ROCKNE' SMASH \$23,000 IN PITT

Pittsburgh, Oct. 15. (Best Exploitation) Stanley. Biz seems to be in high generally this week, and smiles are wider around the Golden Triangle than they've been for some time.

Trade's been 'way off of late, but recent indications, particularly current session, suggest the depress may be over at least a while.

"Knute Rockne," at Stanley, is leading the drive and heading that house for its best straight picture week since last spring, and certain h.o. "Pastor Hall" is pleasantly surprising the Fulton, and will also stick. Three h.o.'s likewise doing very well. "Hired Wife," at Alvin; "City for Conquest," at Warner, and "Strike Up Band," at Rivolt. Only the Penn. doing a solid, with the cash customers thumbs-downing "Rangers of Fortune."

WB3 exploitation gang worked out the selling on "Rockne," opening with midnight preem for Notre Dame scholarship fund; getting "Rockne" week's best from the Mayor's grabbing tieups on all local grid games; taking off on wax all net work shows from South Bend local stations could carry and then re-broadcasting them, and of course knocking down column after column of free space on the South Bend preem which the three local crux took.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50)—"Hired Wife" (U) (2d wk). Turning out to be one of the season's nicest comedy clicks at this spot. Should wind up h.o. session at a fair profit of about \$7,000. Moves out to night (Tuesday) for midnight-preem of "Down Argentine Way" (20th). Last week, good \$9,900.

Fulton (Shea) (1,750; 25-40)—"Pastor Hall" (UA) (3d wk). With exception of "Mortal Storm" (M-G), have been something just less than poison around here, but this one's proving the exception. English film drew raves from the crux and stands a chance of hitting above \$5,000, great here. Means a second week, pushing back "Spring Parade" (U) and "Public Deb" (20th), poor \$2,900.

Penn (Loew's-UA) (3,000; 25-35-50)—"Rangers Fortune" (Par). Will be lucky to wind up with \$9,500. Last week, second of "Strike Up Band" (M-G), all right at \$10,800 after \$18,500 opener.

Ritz (WB) (800; 25-35-50)—"Strike Up Band" (M-G). Brought here after fortnight at Penn. and clicking very nicely for this small-seater. Looks like good \$3,400. Last week, "Foreign Correspondent" (UA), on move from Stanley, okay, \$3,000.

Stanley (WB) (1,600; 25-35-50)—"Rockne" (WB). This one's roaring home a big winner and will give WB deluxer its biggest week since going straight pix last spring. Indicates \$22,000 or better. Good deal incidentally gave house the best Sunday (13) in its history. Stays, of course. Last week, "City Conquest" (WB), okay \$14,000 in eight days.

Warner (WB) (2,000; 25-35-50)—"Conquest" (WB). Gagney-Sheridan moverover coming through with \$5,300, excellent. Last week, "Great McGinty" (Par) and "Dance, Girl, Dance" (RKO), fine \$5,300 for double bill.

'What Wanted' Leads N.Y., \$87,000, 'Voyage' Good 32G, 'Argentine'-Jessel Big \$33,000, Deanna 42G Strong 2d

Fresh competition for Broadway arrived last night (Tues.) with the opening of "Great Dictator" at the Astor and Capitol. Long-awaited Chaplin comedy will play the Astor on a twice-daily run at \$2.20 top and the Capitol day-and-date on a consecutive basis at \$1.10 top, including tax. The advance sale, at both theatres as well as through mail orders, is reported to be very heavy. "Dictator" was given a special press preview at the Astor Monday night (14), but notices were withheld until after tonight's double preem.

The downtown New York houses had a big weekend with very heavy crowds being handled in most spots. On Saturday night the streets were jammed and at those theatres which had boxoffice attractions, there were lobby holdouts until a late hour. Tuesday, the day Saturday (12), which was Yom Kippur as well as Columbus Day, business was steady but from 6 p.m. on it trembled in volume. It was generally quiet on Friday (11) and again on Monday (14) after the big Sat-Sun play. Managers claimed that large out-of-town crowds were on hand, a lot of folks apparently having also drifted in to catch the Fair before it folded. More than 700,000 patronized the Flushing Meadows expo, making it the biggest weekend this year. Football games also drew visitors.

New pictures that opened prior to the weekend included "Knew What They Wanted" (Musie Hall), "Long Voyage Home" (Rivolt), "Argentine Night" (Globe) and "Let George Do It" (Globe).

"Wanted," with a \$35,000 weekend under its belt, is forging toward a possible \$70,000, very good, and holds over. Not much more than a picture on draught but powerfully liked by the men, "Long Voyage Home" is doing well at the Riv, where it ended its first week last night (Tues.) at \$32,000. Holdover begins today (Wed.).

The second-run State has "Argentine Nights" on first-run, plus George Jessel and his Hollywood troupe in person. Combination is providing strong b.o., pointing to around \$33,000. This is away over the house average and means plenty of profit. The picture was nothing short of sensational, with Saturday and Sunday grossing around \$15,000. It was one of the biggest Saturdays the house has ever done.

English comedy at the Globe, "Let George Do It," looks \$6,000 or over, pretty good for this small-seater. "Spring Parade" is best of the holdovers from Monday (Wed.), and currently should get the Rox \$24,000. It will not remain a third stanza, however, 20th-Fox being anxious to get "Down Argentine Way" rolling. This picture comes in tomorrow (Thurs.).

Par opens "Arise My Love" and a stage show consisting of Jon Hall, Frances Langford and the Tommy Reynolds band today (Wed.). The two weeks of "I Want a Divorce" and the Frankie Masters band, Jane Froman, Three Stooges, were disappointing. Last week, \$27,500 the second.

"Strike Up the Band" closed a 17-day engagement at the Cap that was very profitable. The initial run was over \$40,000, the second slipped toward the finish to end at less than \$35,000 and the concluding three days snapped back powerfully to \$11,500.

In making way for "Dictator" at the Astor, "Gone With the Wind" bowed out Sunday night (13) after a smash money-making run of 43 weeks, less one day. Getting \$15,000 the final six days, tremendous, the run brought in around \$600,000. Only one picture, "Big Parade" had a longer engagement at the house and that was 15 years ago.

Effective exploitation campaigns were out on for both "They Knew What They Wanted" and "Long Voyage Home."

Estimates for This Week
Astor (1,012; 75-85-110-115-115-115)—"Dictator" (UA-Chaplin) had its premiere here last night (Tues.), starting a run that will be twice daily except for extra shows on weekends and holidays. Same policy as for "Gone" (M-G) which closed a run of 43 weeks, less one day, Sunday night (13); grossing approximately \$600,000, sensational profit. Final six days, tremendous, the run brought in around \$600,000. Only one picture, "Big Parade" had a longer engagement at the house and that was 15 years ago.

Capitol (4,520; 75-110-115)—"Dictator" (UA-Chaplin). Premiered here last night (Tues.) with all seats reserved. Goes on continuous run today (Wed.) at scale of 15c mat and \$1.10 nights, same as for "Gone" when it played this house. Theatre will open at 9 a.m. and with picture not as long as "Gone," a turnover of six shows daily with a possible seven

on Saturdays, are scheduled. "Strike Up Band" (M-G) on its final three days got \$11,500. Second week low-ered to less than \$35,000 but good while first was over \$40,000.

Criterion (1,662; 28-44-55-65)—"Wyoming" (M-G) (2d-final week). Good money-maker here, getting over \$8,000 on the holdover; first week rousing \$14,000.

Globe (1,180; 28-35-55)—"Let George Do It" (FA). English comedy doing pretty good, \$6,000 or over. "Pastor Hall" (UA) got three weeks final lap being \$6,500 for pleasing profit.

Palace (1,700; 28-35-55)—"Ram-pants" (run) and "Dance, Girl" (RKO) (1st run). Qualed. Accounting for nice \$9,000. Last week "Hired Wife" (U) (2d run) and "Money and Woman" (WB) (1st run), \$8,000.

Paramount (3,664; 35-55-65-99)—"Arise My Love" (Par) and on stage, Jon Hall, Frances Langford and Tommy Reynolds band open here this morning (Wed.). House none too active during the past two weeks, but eked out okay profit with "I Want Divorce" (Par) and Frankie Masters, Jane Froman, Three Stooges at \$33,500 first stanza and \$27,500 the second.

Radio City Music Hall (5,960; 44-55-85-99-115)—"Knew What They Wanted" (RKO) and stage show. H.M. average of \$12,000, strong business, and holds. Last week, second of "Howards" (Col), under \$75,000, not so hot considering it had the benefit of the "Louisiana New Year holidays."

Rivolt (750; 28-44-55)—"I'm Still Alive" (RKO). This one will get about \$5,000, mildish. "Diamond Frontier" (U) was a good \$9,200 on 8 1/2 days.

Rivolt (2,092; 35-55-75-99)—"Voy-age Home" (UA) (2d week). In-cepts holdover today (Wed.) after getting \$12,000 the first seven days, but not startling. Picture isn't getting the women but from the men it is landing a lot of word-of-mouth. The final (6th) week for "Foreign Correspondent" (WB), a swell money-maker, was \$15,000.

Rox (5,835; 35-55-75)—"Spring Pa-rade" (U) and stage show (2d-final week). The picture is back-chasing for this one both for the distributor and the theatre; this week (2d) around \$42,000, ordinarily strong enough to be held further, while the first seven days was a so-so \$62,500, best house has done in over a year. "Argentine Way" (20th) opens to-morrow (Thurs.).

State (4,540; 28-35-55-75)—"Argentine Nights" (U) (1st run), with George Jessel heading the vaude bill. They're packing 'em in here this week for a big \$35,000, or over, about \$15,000. Last week, "Rhythm on River" (Par) (2d run) and Leo Reisman, under \$20,000, disappointing.

Strand (2,767; 35-55-75-99)—"City for Conquest" (WB) and Bobby Byrne band led by guest conductors (3d-final week). Windup will come close to \$25,000, o.k. The second week, with Byrne remaining for the days of that session, was a good \$14,900, excellent. "Knute Rockne" (WB) and "Woolly Herman" band open Friday (18).

'HOWARDS'-VAUDE FAIR \$13,000 IN SLOW BALTO

Baltimore, Oct. 15. Rather uneventful week here. Of new entries, "Howards of Virginia" is getting fair response at the combo Hipp. Keith's and the New, both within a block of each other, are playing "Argentine Nights" and "Down Argentine Way," respectively, with the former inching out a slight advantage.

H.o.'s of "Strike Up the Band" and "City for Conquest" are pretty steady.

Estimates for This Week
Century (Loew's-UA) (3,000; 15-28-44)—"Strike Up Band" (M-G) (2d wk). Holding fairly steady for all right \$7,000, after big opening round to \$13,600.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66)—"Howards Virginia" (Col) plus vaude. Fair \$13,000. Last week, "Dance Girl" (RKO) plus strong vaude, poor \$10,800.

Kath's (Schanberg) (2,406; 15-28-35-44)—"Argentine Nights" (U). Mild going to possible \$6,500. Last week, second of "Spring Parade" (UA), added nice \$5,600 to good initial \$8,800.

New (Mechanic) (1,581; 15-28-35-44)—"Down Argentine Way" (20th). Got mild play to \$5,500. Last week, "Kildare Home" (M-G), n.g. \$4,200.

Stanley (WB) (2,380; 15-28-39-44-55)—"City Conquest" (WB) (2d wk.). Holding fairly v. at \$5,000, after building nice open-2 round to \$9,100.

Mpls. Plenty N.G.; 'Howards' Light \$5,000, Vaude-Faces West' Fair 4G

With ace attractions getting nowhere near the boxoffice play that they merit, lamentations continue in the loop here.

Currently the sole important newcomer is 'The Howards of Virginia,' which is building on favorable word-of-mouth and glowing reviews. In its second week, though, 'Strike Up the Band,' at the State, still is the biggest boxoffice noise in town and should finish out in front. Another holdover is 'Ramparts We Watch,' which, after three good weeks at the World, has moved over to the other loop suzerain, the Auditorium.

Starting a policy of vaudeville, instead of midwestern burlesque wheel shows, with its 16-girl line, production numbers and independent first-run pictures, the Alvin seems to be off on its right foot. The fact that the picture, 'Three Faces West,' is superior to what the house has been offering, and that this is the only show in town currently also undoubtedly helps to account for the improvement.

Estimates for This Week

Alvin (Hirsch-Katz) (1,400; 29-44-55)—'Three Faces West' (U), first week. Picture easily best house has had since its opening, and vaude well received. Heading for fair \$4,000. Last week, 'Crooked Road' (Rep) and 'Broadway Frolics' on stage, \$3,000, light.

Aster (Par-Singer) (900; 15-28)—'Charlie Chan Wax' (20th) and 'Slightly Tempted' (U), first week. In for five days and nice \$1,700 indicated. Last week, 'Blondie Servant' (Col) and 'Haunted Honeymoon' (M-G), okay \$1,500 in five days.

Century (Par-Singer) (1,600; 39-44-55)—'Man Married' (20th). Cast names insufficient and propaganda angle dead weight. Light \$3,000 indicated. Last week, 'Boys Town' (M-G) (4th wk) did \$7,000, after \$14,500, \$9,900 and \$5,100 preceding weeks.

Esquire (Gilmann) (290; 28-39-44)—'Ramparts' (RKO). Moved here after three weeks at World. May stretch to pretty good \$800. Last week, 'Lost Horizon' (Col) (reissue) (2d wk), okay \$700, after \$1,200 first week.

Gopher (Par-Singer) (998; 28)—'Quarterback' (Par). Getting the younger element and football fans. Should reach good \$3,000. Last week, 'Comin' Round the Mountain' (Par), light \$2,400 in six days.

Orpheum (Par-Singer) (2,800; 29-39-44)—'Howards' (Virginia) (Col). Easily best of city's newcomers, but won't see better than light \$5,000. Last week, 'Wyoming' (M-G) and Laurel and Hardy and their revue on stage, \$15,700, but in heavy going, under expectations and considerably less than original estimate.

State (Par-Singer) (2,300; 28-39-44)—'Strike Up Band' (M-G) (2d wk). Raves galore for this but not getting what it would in good times. However, okay \$7,000 in sight. Last week, \$10,400, fine, but a long distance away from expected.

Uptown (Par) (1,200; 28-39)—'Sea Hawk' (WB), split with 'Rhythm River' (Par). First name showings. Looks like good \$2,000, but not getting 'Pride Prejudice' (M-G) \$2,500, good.

World (Par-Singer-Sterling) (350; 28-39-44-55)—'Lady Question' (Col). Cast names lacking, looks like poor \$1,000. Last week, 'Ramparts' (RKO) (3d wk), okay \$1,500, after big \$3,500 and \$2,000 preceding weeks.

OMAHA B. O. BETTER; 'ROCKNE' GOOD \$11,000

Even in face of Ak-Sar-Ben annual stock show, with radio and outside shows doing record business, the theatres are staging a lively comeback, with satisfactory grosses all around. Influx of visitors from country helping.

Top will be 'Knut Rockne' and 'River's End' at the Orpheum, with good \$11,000 even at the drop down to regular scale of prices. 'Strike Up the Band' at the Omaha will get about \$10,000. Good strength of Rooney's popularity and a 8-30 a.m. daily opening, which is catching a lot of early shoppers. One of the best comebacks is at the Brandeis, where 'No Time for Comedy' and 'Before I Hang' are paired.

Estimates for This Week

Orpheum (Tristates) (3,000; 10-30-40)—'Knut Rockne' (WB) and 'River's End' (WB). Good \$11,000. Last week 'Hired Wife' (U) and Blue Barton orch, \$14,000.

Omaha (Tristates) (2,000; 10-30-40)—'Strike Up Band' (M-G). Looks for good \$10,000. Last week, 'City Conquest' (WB) and 'Mystery Raider' (Par), fair \$8,000.

Brandeis (Mort Singer) (1,500; 10-25-35-40)—'No Time Comedy' (WB), 'Before Hang' (WB) and 'March of Time' (Good). Good \$6,000. Last week, 'McGinty' (Par) and 'Men Sky' (RKO), below \$4,500 very light.

State (Goldberg) (900; 10-20-25)—'Heaven Too' (WB) and 'West With

Peppers' (Col), split with 'Lost Horizon' (Col) and 'Auntie Truth' (Col). Will do fair \$1,500. Last week, 'Maryland' (20th) and 'New Moon' (M-G), split with 'Sandy Lady' (U) and 'Private Affairs' (U), fair \$1,400.

Town (Goldberg) (1,500; 10-20-25)—'Colorado' (Rep), 'Man Wouldn't Talk' (20th) and 'Pago-Pago' (UA), in triple split with 'Border Caballero' (Ind) and 'Girl Gambler' (RKO) (RKO), and Arizona Frontier' (Mono), Maryland' (20th) and South Karanga' (U). Fair \$1,300. Last week, 'Here Stranger' (20th) and 'Drive Night' (WB), triple split with 'Frontier Justice' (Cep), 'Youth Fling' (U) and 'Range Busters' (Mono), and 'Woman War' (Mid) and 'Can't Fool Wife' (RKO), good \$1,400.

Avenue Dundee Military (Goldberg) (950-300-600; 25)—'Heaven Too' (WB) and 'Sandy Lady' (U), split with 'Pago-Pago' (UA) and 'Love Back' (WB). Fair \$1,400. Last week, 'Maryland' (20th) and 'New Moon' (M-G), split with 'Carolita' (Mid) (Mid), 'Island Doomed Men' (Col) and 'Private Affairs' (U), nice \$1,500.

S.A. Unit Hypothesizes 'Profile' in Clevel. To Fine \$18,500

Getting stronger films, all of the downtown houses are spinning their turnstiles faster. 'Great Profile,' stepped up by 'Bali Ball' revue, is giving Palace a big load of s. a. on both stage and the b.o. 'Brighton Young' is running into local phobia against historical yarns, but breaking above average for Hippo. Striking up hotter trade is 'Strike Up Band,' at State, trading Palace's heels.

Estimates for This Week

Allen (RKO) (3,000; 30-35-42-55)—'No Time Comedy' (WB). Collecting gross of \$1,500. Last week, 'Howard Virginia' (Col), second week, okay \$3,500.

Alhambra (Printz) (1,200; 10-20-35)—'Queen Yukon' (Mono) and 'Ride, Tenderfoot' (Heavy budget magnet excellent \$2,200 in sight. Last week, 'Down Stretch' (M-G) (revival) and 'Leather Pushers' (U), half week, ordinary \$1,300.

Hipp (Warner) (3,700; 30-35-42-55)—'Brighton Young' (20th). Rather weeney fare for this spot, but nice evening biz helping it toward satisfactory \$11,000. Last week, 'No Time Comedy' (WB), better at \$11,500.

Lake (Warner) (900; 28-40)—'Stranger Third Floor' (RKO) and 'Money Woman' (WB). Policy of deals just lumping along; about mid \$1,200 at best. Last week, 'River's End' (WB) and 'Queen' (RKO), yanked after five days, poor \$900.

Palace (RKO) (3,200; 30-35-42-55-66)—'Great Profile' (20th) and 'Bali Ball' (WB) in stage. Latter is the bill's shot in the arm, and circus ballhouse is soaking it up to fine \$18,500. Last week, 'Ramparts' (RKO) and 'Jimmy Dorsey's' orch, fine \$17,000.

State (Loew's) (3,450; 30-35-42-55)—'Strike Up Band' (M-G). Swell matinees and well enough liked to land \$15,000. smart. Last week, 'Westerner' (UA), a shade over average \$11,500.

Stillman (Loew's) (1,972; 30-35-42-55)—'Westerner' (UA). Shiftover building up, no trouble to garner good \$5,000. Last week, 'Boom Town' (M-G), copped \$5,500 over fourth week.

'Westerner' Leading Denver With \$10,000

Denver, Oct. 15. 'The Westerner,' duelled at the Denver, is the town's current top grosser. 'Moon Over Burma,' at Denham, also is strong.

Estimates for This Week

Aladdin (Fox) (1,400; 25-40)—'Boom Town' (M-G), after two weeks at each the Orpheum and Broadway. Nice \$4,000. Last week, 'Foreign Correspondent' (UA) after a week at each the Denver and Aladdin, and 'Before Hang' (Col), fair \$2,000.

Broadway (Fox) (1,040; 25-35-40)—'Howard Virginia' (Col) and 'Nobody's Sweetheart' (U), both after a week at Denver. Okay \$3,000. Last week, 'Wyoming' (M-G) and 'Queen Destiny' (RKO), not so good at \$2,000, after week at Orpheum.

Denham (Cockrell) (1,750; 25-35-40)—'Moon Over Burma' (Par). Good \$7,400. Last week, 'Cherokee

Strip' (Par), n.g. \$4,000. Denver (Fox) (2,525; 25-35-40)—'Westerner' (UA) and 'Margie' (U). Strong \$10,000. Last week, 'Howard Virginia' (Col) and 'Nobody's Sweetheart' (U), nice \$8,500.

Orpheum (RKO) (2,600; 25-35-40)—'Strike Up Band' (M-G) (2d wk) and 'Golden Fleeing' (M-G). Fine \$8,400. Last week, 'Men Against Sky' (M-G), strong \$13,500.

Paramount (Fox) (2,200; 25-40)—'Diamond Frontier' (U) and 'Captain Lady' (Col). Good \$4,000. Last week, 'Captain Caution' (UA) and 'Three Men Texas' (Par), fair \$3,500.

Rialto (Fox) (878; 25-40)—'Foreign Correspondent' (UA), after a week at each the Denver and Aladdin, and 'Up Air' (Mono). Okay \$2,300. Last week, 'Brighton Young' (20th), after a week at each the Denver and Aladdin, and 'Before Hang' (Col), fair \$2,000.

LOY-DOUGLAS SNAPPY \$7,200 IN MEMPHIS

Memphis, Oct. 15. With a brace of titles, including a second week, Metro's 'Third Finger, Left Hand' is the important new money picture of the moment. Loy-Douglas pairing is doing nicely at Loew's State, showing Paramount's 'Rangers of Fortune' far behind at the New Malco. Both films got mild notices, but public is taking the marital face to its bosom in preference to the MacMurray shoot-em-up.

Double h.o. for the week, first time simultaneous retainers have popped up here in years, are 'Knut Rockne' and 'Strike Up Band.' Last week, same feature, \$7,900, warm.

New Malco (Lightman) (2,800; 10-33-44)—'Rangers Fortune' (Par). Texas gang-bang no lure, mebbe weakish \$3,800. Last week, 'Spring Parade' (U), \$4,000, disappointing.

Loew's Palace (Loew) (2,200; 10-33-44)—'Strike Band' (M-G) (2d wk). Second set-to for Rooney-Gard and 'Knut Rockne' may pull as high as fine \$5,200. Last week, 'Spring Parade' (U), \$4,000, disappointing.

Strand (Lightman) (1,000; 10-22-33)—'Carolina Moon' (Rep) and 'Leather Pushers' (U), split week. Should get average \$1,800. Last week, 'Main Adventure' (Col), three days; 'Mystery Sea Raider' (Par), two days; 'Some Hot' (Par) (2d run), two days; \$1,600, very good.

Rockne (RKO) (2,300; 10-33-44)—'Knut Rockne' (WB) (2d wk). Seasonal interest continues to hypo Notre Dame football saga to \$4,000 for its holdover. Last week, same feature, \$7,900, warm.

'ROCKNE' FORTE \$9,500 IN INDLPS., N.D. SUBURB

Indianapolis, Oct. 15. Lack of pull on the marquee in the downtown sector this week is keeping heavy sugar at home, with lion's share of the turnstile coin going to the 'Circles' 'Knut Rockne' dualed with 'Money and the Woman.' 'Rockne' is a cinch to cash in here, as town is considered a suburb with Bend during the pickin season.

Carrying the ball for shorter gains is the Indiana, with 'Down Argentine Way' and 'Public Deb No. 1,' and Loew's with 'Howards of Virginia' and 'Slightly Tempted.' Lyric is undergirding with Gay Caballerero on screen and Ina Ray Hutton on stage.

Estimates for This Week

Circle (Katz-Dolle) (2,600; 25-30-40)—'Knut Rockne' (WB) and 'Money Woman' (WB). Top money winner with fifty \$9,500. Last week, 'No Time Comedy' (WB) and 'Tom Brown' (RKO), weak \$6,000.

Indiana (Katz-Dolle) (3,100; 25-30-40)—'Down Argentine Way' (20th) and 'Public Deb' (20th). Fair \$7,000. Last week, 'City Conquest' (WB) and 'River's End' (WB), not-so-good \$6,500.

Loew's (Loew's) (2,400; 25-30-40)—'Howard Virginia' (Col) and 'Lady Question' (Col). Not up to expectations at \$6,800. Last week, 'Strike Up Band' (M-G) (2d wk), very good \$8,500.

Lyric (Lyric) (1,800; 25-30-40)—'Gay Caballerero' (20th) and Ina Ray Hutton orch. Just about breaking even with \$10,500. Last week, 'Queen Yukon' (Mono) and Phil Spitalny's orch, okay \$11,500.

'Band,' \$6,300, Pacing Port; 'Westerner,' 6G

Portland, Ore., Oct. 15. After last week's plethora of war pictures, theatres here blossoming out in western hemisphere stuff. 'The Westerner' is proving a good draw at the Broadway, with 'City for

H.O.s, 2d Runs Flood Philly, Get Com; 'Scandals' Ups 'Scatterbram' to 23G

Conquest stepping right along at the Paramount.

Youth and laughter drawing the crowds to 'Strike Up the Band' at the UA. Only h.o. is 'Foreign Correspondent,' still doing well as a moveover to the Mayfair.

Estimates for This Week

Broadway (Parkes) (2,000; 35-40-50)—'Westerner' (UA). Great in this western spot for \$6,000. Last week, 'Foreign Correspondent' (UA) and 'Diamond Frontier' (U), nice \$5,500 and moved to Mayfair.

Mayfair (Parker-Evergreen) (1,500; 35-40-50)—'Foreign Correspondent' (U). After good opener at Broadway, will probably do okay \$3,200 here. Last week, 'Spring Parade' (U) and 'River's End' (WB), okay \$2,700.

Orpheum (Hamrick-Evergreen) (1,800; 35-40-50)—'Argentine Way' (20th) and 'One Crowded Night' (RKO). Look like satisfactory \$5,400. Last week, 'Howard Virginia' (Col) and 'Men Against Sky' (RKO), good \$4,800.

Paramount (Hamrick-Evergreen) (3,000; 35-40-50)—'Conquest' (WB) and 'Quarterback' (Par). Headed for fifty \$5,800. Last week, 'Ramparts' (RKO) and 'Public Deb' (20th), good \$6,000.

United Artists (Parker) (1,000; 35-40-50)—'Strike Up Band' (M-G) and 'Sky Murder' (M-G). Whizzing along to hearty \$6,300. Last week, 'Boom Town' (M-G), closed fourth week as single bill to good \$3,500.

'WANTED' FINE \$19,000 IN HUB

Boston, Oct. 15. All film trade got lift Saturday (12) from the combination of the holiday and football games; and the Keith Memorial is getting two assists on the way to \$19,000. 'Wanted' Garry Kanin, the director, was in Friday (11) for a press party which netted the picture some extra publicity, and Charles Laughton will make two personal appearances Wednesday (16).

Second best grosser is 'Strike Up the Band,' in second stanza at the Orpheum and the second of 'Argentine Way' is so-so at the Met; and Sammy Kaye, on stage of the RKO-Boston, is taking fourth money.

Estimates for This Week

Boston (RKO) (3,200; 33-44-55-65)—'Diamond Frontier' (U) with Sammy Kaye orch. Will garner around \$14,500, okay. Last week, 'Up Air' (Mono) and 'Three Men Texas' (Par), with vaude headed by Al Trautman, four personal appearances, 'Argentine Night' (U) (2d run) and 'Black Limelight' (Alliance) (1st run), dual, three days, tepid \$7,200.

Fenway (M&P) (1,332; 28-39-44-55)—'Wyoming' (M-G) and 'Kildare Home' (M-G) (both continued run from Met). Aiming at \$4,500, adequate. Last week, 'Brighton Young' (20th) and 'Crowded Night' (RKO) (both 2d run), took about \$4,000.

Keith Memorial (RKO) (2,307; 28-39-44-55)—'Knew What I Wanted' (RKO) and 'Great Profile' (20th). Lombard-Laughton-going strong at \$19,000 gait with holdover very likely. Last week, 'Spring Parade' (U) and 'Yesterday's Heroes' (20th) (both 2d wk), okay \$13,500.

Metropolitan (M&P) (4,367; 28-39-44-55)—'Down Argentine Way' (20th) and 'Sky Murder' (M-G). Muddling through for unexciting \$15,000. Last week, 'Wyoming' (M-G) and 'Kildare Home' (M-G), dandy \$17,500.

Orpheum (Loew) (2,900; 28-39-44-55)—'Strike Up Band' (M-G) and 'Secret Seven' (Col). Headed for very good \$16,000. Same duo did sock \$22,000 in initial frame.

Paramount (M&P) (2,700; 28-39-44-55)—'Wyoming' (M-G) and 'Kildare Home' (M-G) (both continued run from Met). Aiming at possible \$7,000. Last week, 'Brighton Young' (20th) and 'Crowded Night' (RKO) (both 2d run), took about \$6,000.

Seollay (M&P) (2,538; 28-39-44-55)—'Brighton Young' (20th) and 'Crowded Night' (RKO) (both continued run from Par and Fenway). Around \$4,000 indicated. Last week, 'Want Divorce' (Par) (continued run from Par and Fenway) and 'Captain Caution' (UA) (2d run), \$3,000.

State (Loew) (3,600; 28-39-44-55)—'Strike Up Band' (M-G) and 'Secret Seven' (Col) (2d wk). Should hit close to \$10,000 very good. First week big \$15,400.

Hoffman a WB P.A.

Hollywood, Oct. 15. Jerry Hoffman, former associate producer at 20th-Fox, succeeded Blake McVeagh as publicity planner at Warners.

Before entering pictures, Hoffman was legman for Loretta Parsons.

Philadelphia, Oct. 15. It's mostly holdovers and second runs along the downtown film strip this week, with few of the oldies still showing plenty of zip.

Among the newcomers, 'Argentine Way' is leading the pack at the Stanley. Also in line for blue ribbons is 'Angels Over Broadway' at the Aladdin, which had the added hypo of a flying pa, by author Ben Hecht.

'Scatterbram' hyped by George White's 'Scandals' at Earle.

Estimates for This Week

Alidine (WB) (1,303; 35-46-57-68)—'Angels Broadway' (Col). Also angels over the boxoffice with neat \$11,200. Way ahead of 'Great Profile' (20th), which laid a huge omelette last semester with \$6,800.

Arcadia (Sablowsky) (600; 45-55-65)—'Boom Town' (M-G) (3d run) (2d wk). Look like it shot its last downtown; will barely clear \$4,000. Last week, mediocre, \$4,800.

Boyd (WB) (2,580; 35-46-57-68)—'Strike Up Band' (M-G) (3d wk). Still music mite, but registers with neat \$11,000 for round three. Last week, \$17,000 for number two.

'They Knew What They Wanted' (RKO) bows in Thirteenth (17), with p.a. of Charles Laughton, opening day.

Earle (WB) (3,758; 35-46-57-68)—'Scatterbram' (Rep) with George White's 'Scandals' on stage. Later getting the color, it will be \$23,000, okay, but not up to hefty \$27,000 racked up last week by 'Public Deb' (20th) and Glen Gray's orch plus Andrews Sisters.

Fox (WB) (2,423; 35-46-57-68)—'Knut Rockne' (WB) (2d wk). Still scoring strong with sock \$15,500. Last week's preem great \$23,800.

Karlson (WB) (1,066; 35-46-57-68)—'Dulcy' (M-G) (2d run). Just with in the profit margin with \$4,200. Last week, 'Brighton Young' (20th), duplicate \$4,200 for second run.

Loew's (WB) (2,918; 35-46-57-68)—'Westerner' (UA) (2d run). Goldwyn's horse opera getting okay \$4,500. Last week, 'City Conquest' (WB), shaded by \$5,000.

Stanley (WB) (2,918; 35-46-57-68)—'Argentine Way' (20th). Snagging top money with tuneless \$18,500. Last week, 'Westerner' (UA), pallid \$8,000 for five days.

Stanton (WB) (1,457; 35-46-57)—'Dance, Girl' (RKO). In the in-between class with \$5,100. Last week, 'Great McGinty' (Par), just a hairline better for \$5,300.

'Argentine Way'-'Profile' Dual OK \$7,800 in Seattle

Seattle, Oct. 15. Weather's good for ducks and shows these days, but the city's outdoor recreation and amusement is at minimum.

With fall biz at hand, ace pictures are holding over this week.

Estimates for This Week

Blue Mouse (Hamrick-Evergreen) (850; 30-40-50)—'Pastor Hall' (UA). Indicates fair \$2,500. Last week, (40-50-60)—'Boom Town' (M-G) (6th wk), \$2,100.

Collinsville (Hamrick-Evergreen) (1,900; 20-35)—'Frank James' (20th) and 'Pier 13' (20th) (2nd run). Expected okay \$2,900. Last week, 'Love Affair' (20th) and 'Phantom Raider' (Par) (2d run), \$500, great.

Fifth Avenue (Hamrick-Evergreen) (2,349; 30-40-50)—'Argentine Way' (20th) and 'Great Profile' (20th). Big press campaign, a help towards excellent \$7,800. Last week, 'Strike Band' (M-G) (2d wk), dandy \$5,500.

Liberty (Jensen-Von Herberg) (1,650; 30-40-50)—'Foreign Correspondent' (UA) (3d wk). Looking for good \$4,500. Last week, swell \$5,900.

Music Box (Hamrick-Evergreen) (850; 30-40-50)—'Strike Up Band' (M-G). Moveover from Fifth, anticipations big \$3,100. Last week, 'Hired Wife' (U) and 'Gay Caballerero' (20th) (2d wk—six days), \$2,200, good.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'Knut Rockne' (WB) and 'Karanga' (U) (2d wk). Looks for good \$5,000 in six days. Last week, big \$8,700.

Palomar (Sterling) (1,350; 30-40-50)—'Scatterbram' (Rep) and 'Ride Tenderfoot' (Rep). Paced for okay \$4,700. Last week, 'Girl God's Country' (Rep), 'Sing, Dancer' (Rep) and vaude, \$4,800, good.

Paramount (Hamrick-Evergreen) (3,039; 30-40-50)—'Spring Parade' (U) and 'Quarterback' (Par) (2d wk—six days). Mild \$3,800. Last week, same films, nice \$5,100.

Reverie (Hugan) (800; 20-35)—'Drive Night' (WB) and 'Windy Poplars' (RKO) (2d run). See good \$2,400. Last week, 'Love Back' (WB) and 'Lady Question' (Col) (2d run), ditto.

Winter Garden (Sterling) (800; 16-32)—'Hardy Debantante' (M-G) and 'Christian Meets Woman' (RKO) (2d run). Meets with b.o. approval to the tune of \$4,000. Last week, 'New Moon' (M-G) and 'Phantom Raiders' (M-G) (2d run), \$2,500, big.

Lombard-Laughton Fine \$16,000 In S. F. Preem; High Temp. Hurting Grosses

San Francisco, Oct. 15. With temperatures reaching the 80's, perfect weather is soaking matinee biz this week, holding takes to average level. The picture of the week is "They Knew What They Wanted," which was filmed in Napa valley near here.

Estimates for This Week
Fox (F-W-C) (5,000; 35-40-50)—"Knute Rockne" (WB) (20th) From Havana (20th). Breaking just as the football season gets underway here, gridders will get healthy \$18,000. Last week, "City Conquest" (WB) and "Gay Caballero" (20th) nice \$17,000.

Golden Gate (RKO) (2,850; 39-44-55)—"Knew What They Wanted" (RKO) and "Vaude." Not counting the two screenings at the world preem on the evening before its regular opening, Laughton-Lombard opus will do \$16,000, okay. Comments on flick good, but biz largely attributable to sendoff given by RKO, with stars personalizing and cry down in from 1,000 miles around. Last week, "Still Alive" (RKO) and "Follies Bergere" unit, surprised everybody by collecting \$23,000, terrific in view of act. show ran all summer on Treasure Island.

Orpheum (F&M) (2,400; 35-40-50)—"Hired Wife" (U) and "Won't Talk" (Col). (2d wk). Might reach \$7,000. First week, disappointing. Last week, still fair considering competition.

Paramount (F-W-C) (2,740; 35-40-50)—"Strike Up Band" (M-G) (3d wk). Still minting money at \$10,000. Second stanza took \$13,000, better than average first week's biz for the house.

St. Francis (F-W-C) (2,470; 35-40-50)—"City Conquest" (WB) and "Gay Caballero" (20th) (moreover). Carrying out \$6,000. Last (2d wk) week of "Bright Young" (20th) got normal \$5,000.

United Artists (Cohen) (1,200; 35-40-50)—"Foreign Correspondent" (UA) (5th wk). May touch \$5,000, excellent. Last (4th) week fine \$6,000.

Warfield (F-W-C) (2,680; 35-40-50)—"No Time Comedy" (WB) and "Queen Yukon" (Monro). Studio helping on ads, but not likely to go above \$12,000, slightly better than average. Last week, "Dulcy" (M-G) and "Sky Murder" (M-G), \$10,000.

SHERIDAN-CAGNEY NIFTY \$5,000 IN NICE L'VILLE

Louisville, Oct. 15. Healthy activity along the main stand this week. While nothing stands out as an impressive draw, all houses seem to be getting a normal share of the available biz, and no complaints. "Third Finger, Left Hand," dual at Loew's State is drawing smart returns. "Spring Parade" at Rialto, also okay. Strand opened new bill Wednesday (9) in order to make house available for Grand Lodge of Masons, holding annual symposium (15-17). Clause in the lease reserves the house for the fraternal meetings each year, making necessary a juggling of books up to "Ramparts We Watch" Thursday (17) evening.

Estimates for This Week
Brown (Loew's-Fourth Avenue) (1,400; 15-30-40)—"Strike Up Band" (M-G) and "Secret Seven" (Col) (2d wk). Second week a step and third downtown stanza. Stepping along nicely for \$2,300. Last week, fine \$4,000.

Kentucky (Kittow) (1,200; 15-25)—"Heaven Too" (WB) and "Girl Avenue A" (20th), split with "All Came True" (WB) and "Man Married" (20th). Settling down for steady \$1,300. Last week, Syracuse (U) and "Love Back" (WB), split with "Captain Caution" (UA) and "Blondie Servant" (Col), alright \$1,400.

Loew's State (Loew's) (3,100; 15-30-40)—"Third Finger" (M-G) and "Glamour Sale" (Col). Hopeful of the \$8,000. Last week, "Westerner" (UA) and "Golden Fleeing" (M-G), excellent \$7,500.

Mary Anderson (Libson) (1,000; 15-30-40)—"City Conquest" (WB). House does very well with single policy, and this week is no exception. Jimmy Cagney-Ann Sheridan plenty potent. Expect swell \$5,000 and h.o. is in prospect. Last week, "No Time Comedy" (WB) on h.o., good \$3,400.

Rialto (Fourth Avenue) (3,400; 15-30-40)—"Spring Parade" (U) and "Nobody's Sweetheart" (U) plus March of Time. Stacks up as profitable lineup any day. Pacing for better than average \$7,000. Last week, "Bright Young" (20th) and "Great Profile" (20th), fair \$6,000.

Strand (Fourth Avenue) (1,400; 15-30-40)—"Quarterback" (Par) and "Cherokee Strip" (Par). Opened Wednesday (8) and set for big showing, which on Monday (14). On six days, mild \$2,000. Last week, "Bright Young" (20th) and "Great Profile" (20th), pulled after five days and light \$1,700.

Key City Grosses

Estimated Total Gross
This Week \$1,854,100
(Based on 26 cities, 179 theatres, chiefly first runs, including N.Y.)
Total Gross Same Week
Last Year \$1,631,600
(Based on 26 cities, 172 theatres)

'WANTED' DUAL NICE \$16,000 IN DET.

Detroit, Oct. 15. Even with the World Series done, which nipped into theatre grosses here plentifully, expectations for Detroit this week aren't too high. It just looks like a fair week around the first runs.

Town is still waiting a bit more of a hypo from the munitions orders. While most of the big auto plants have started to tool up for planes, tanks and trucks, it'll be some time before actual production starts and money settles into the workers' hands. And, despite charges of bottleneck in tool and die industry, 80% of the town's 780 tool plants, now through with their work for the new car models, still haven't caught any of the Government business.

Estimates for This Week
Adams (Balaban) (1,700; 30-40)—"Argentine Nights" (U) and "Mummy's Hand" (U). Pair moved over after fair week at Fox. Look for a dull \$4,500. Last week, "Hired Wife" (U) and "Girl Avenue A" (20th), former moved in from Fox, poor \$4,000.

Fox (Fox-Michigan) (5,000; 30-40-55)—"Knew What They Wanted" (RKO) and "Forensic Correspondent" (UA) (2d wk). Look for o.k. \$16,000. Last week, "Argentine Nights" (U) and "Mummy's Hand" (U), fair \$15,000.

Michigan (United Detroit) (4,000; 30-40-55)—"Foreign Correspondent" (UA) and "Quarterback" (Par). Indicates good \$16,000. Last week, "Lucky Partners" (RKO) and "Ozzie Nelson" (RKO), Harriett Hilliard, Bud Nelson and "Valma Avenue A" (20th), stage, good \$24,000.

Palms-State (United Detroit) (3,000; 30-40-55)—"Lucky Partners" (RKO) and "Rangers Fortune" (Par). Former picture moved from Michigan and bill looks for \$6,000. Last week, "Man Wyoming" (M-G) and "Dance, Girl" (RKO), also moveovers, ordinary \$5,000.

United Artists (United Detroit) (2,000; 30-40-55)—"Strike Up Band" (M-G) (3d wk). After picking up \$15,000 in first week, \$9,000 last week, this seems good for \$8,000 more.

'ARGENTINE' OK \$8,000 IN K.C.

Kansas City, Oct. 15. Seasonal emphasis on football is being applied at the Newman and "Knute Rockne" is rolling up a nice figure. It's a cinch for a hold-over. Another likely holdover is "Down Argentine Way," playing day and date in the Fox Midwest's Esquire and Uptown. Currently the picture in color is ringing up best figure in these spots since "Frank James" and looks good for a second week play. Midland is in the swim in good shape with "Third Finger, Left Hand" as top of a dual bill, but Orpheum is taking it easy with "Pastor Hall."

Weather is being very Indian-summerish and favorable to outdoor sports and football game attendance.

Estimates for This Week
Esquire and Uptown (Fox Midwest) (820 and 2,043; 10-28-44)—"Down Argentine Way" (20th). Musical taking well and rounding up nice \$8,000. Last week, "Hired Wife" (U), satisfactory \$6,000.

Midland (Loew's) (4,101; 10-28-44)—"Third Finger" (M-G) and "Glamour Sale" (Col). Loy-Doug created with a draw and doing nice job at \$10,000. Last week, West-

'Parade', 10G, 'Brigham', \$7,500, Topping Mont'

Montreal, Oct. 15. Ace houses are away to big grosses currently with "Spring Parade," "Brigham Young" and h.o.'s of "Boom Town" and "Westerners." It's also Thanksgiving holiday weekend which will run in biz from out of town.

Estimates for This Week
Palace (CT) (2,700; 25-45-55)—"Spring Parade" (U) (2d wk). Looks for strong \$10,000. Last week, "Hired Wife" (U), good \$7,000.
Capitol (CT) (2,700; 25-45-55)—"Brigham Young" (20th). Apt to go handsome \$7,500. Last week, "Argentine Nights" (U) and "Not So Tough" (U), good enough at \$5,000.
Loew's (CT) (2,800; 30-40-60)—"Boom Town" (M-G) (2d wk). Big returns still coming in with likely gross up to \$8,000, after smash \$12,500 last week.
Princess (CT) (2,300; 25-34-50)—"Rangers Fortune" (Par) and "Want Divorce" (Par). Average \$4,000 in sight. Last week, "Girl Dance" (RKO) and "Wildcat Bus" (RKO), \$4,000.
Orpheum (Indy) (1,100; 25-40-50)—"Westerners" (UA) (1st wk). Good \$4,000 ahead, after very good \$5,000 last week.

Cinema de Paris (France-Film) (2,000; 25-50)—"St. Germain" (2d wk). Nice \$1,300 in sight, after good \$1,500 last week.
St. Denis (France-Film) (2,300; 25-34)—"Safe Du Parc" and "Les Planchers des Vaches." Brightening very good \$5,000. Last week, "Les Otages" and "Mot de Cambronne," \$4,500.

'Rockne'-Andrews Scoring \$18,500 To Lead Wash.

Washington, Oct. 15. "Knute Rockne," aided by the Andrews Sisters, is keeping the Earle well out in front. "Rockne" is in second place at Capitol, Loew's big combo spot. Big interest, however, is still "Strike Up the Band," holding up nicely after breaking precedent by shifting from the Capitol into the Palace, Loew's ace first-run house, on 18 hours' notice. The Westerner had been announced to open "Strike Up the Band" (M-G) and vaude big \$24,000. Critics went down to defeat this week on "Coming Round the Mountain." Hilbilly trivia was given no play, and in color is yearning for any flicker in years and yet bids to give Met. a better than average week.

Estimates for This Week
Capitol (Loew) (3,434; 28-39-44-66)—"Brigham Young" (20th) and vaude. Critics objected slightly to historical inaccuracies, but hailed it as good spectacle. It won't be a smash, but will do \$18,500. Last week, "Strike Up the Band" (M-G) and vaude big \$24,000.

Columbia (Loew) (1,234; 28-44)—"Frank James" (20th) (2d wk). Back on main time after light week at Palace and should see o.k. \$3,800 for six days. Last week, "Boom Town" (M-G) (2d run) (2d wk), handsome \$2,300.

Earle (WB) (2,216; 28-39-44-66)—"Knute Rockne" (WB) and vaude. Andrews Sisters pay helping on strong \$18,500. Last week, "No Time Comedy" (Col) and vaude, nice \$16,000.

Keith's (RKO) (1,830; 39-55)—"Spring Parade" (U) (2d wk). Hold-over to nice \$6,500. Last week, swell \$14,000.

Met (WB) (1,600; 28-44)—"Coming Round Mountain" (Par). Brutally panned by critics, but will better house average with \$5,500. Last week, "Howards Virginia" (Col) (2d run), o.k. \$4,500.

Palace (Loew) (2,242; 39-55)—"Strike Up Band" (M-G) (2d run). First time any pic has shifted from Capitol to Palace on following day. Rooney-Garland will see hefty \$12,000. Last week, "Foreign Correspondent" (UA), o.k. \$9,500.

ermer (UA) and "Sky Murder" (M-G) (2d run) (2d wk).

Newman (Paramount) (1,900; 10-28-44)—"Knute Rockne" (WB). Reviews strong and femmes taking to film better than expected. Last week sports and football game attendance. Last week, "Rangers Fortune" (Par), \$6,000, fair \$6,000.

Orpheum (CT) (1,500; 10-28-44)—"Pastor Hall" (UA) and "River's End" (WB). Getting some attention from the carriage and intellectual trade, but not strong at \$5,000. Last week, "Stranger Than Floor" (RKO), fair \$6,200.

Tower (Joffee) (2,110; 10-30)—"Margie" (U) with vaude. Film fair up a bit and trade likewise at \$6,200, fair. Last week, "Slightly Tempted" (U), vaude, fairish \$5,600.

'Westerner,' \$25,300, Tops H.O.-Laden L.A.; Armstrong Ups 'Strip' to 16 1/2 G, Abbott-Costello Account for \$13,500

Broadway Grosses

Estimated Total Gross
This Week \$336,000
(Based on 12 theatres)
Total Grosses Same Week
Last Year \$300,000
(Based on 12 theatres)

CINCY N.G., BUT '3D FINGER' \$10,500

Cincinnati, Oct. 15. Cinema center's h.o. is on the skids currently, which is no surprise to exhibitors in view of weekend Indian summer warmth and time allowed natives for restoration to normalcy after Cincy Red's world series triumph.

Of the fresh releases, "Third Finger, Left Hand," at Albee; "Down Argentine Way," at Palace; and "Pastor Hall," at Keith's, are hugging the fair mark. "Men Against Sky," at Lyric, is a dud.

Estimates for This Week
Albee (RKO) (3,300; 33-40-55)—"Third Finger" (M-G). (2d wk). Held over for second week after initial week at Albee. Mild \$3,000. Last week, fair \$4,000.
Capitol (RKO) (2,000; 33-40-50)—"Spring Parade" (U) (2d wk). Held over for second week after initial week at Albee. Mild \$3,000. Last week, fair \$4,000.

Fair (RKO) (1,000; 15-28)—"Fugitive Prison Camp" (Col) and "Way of Flesh" (Par), split with "Girl Goes Country" (Rep) and "Marked Men" (Ind). Seasonal \$2,100. Ditto last week, "Stranger Than Floor" (RKO) and "Tom Brown" (RKO), divided with "Leather Pushers" (U) and "Gang Mine" (Monro).

Grand (RKO) (1,439; 33-40-50)—"Strike Up Band" (M-G). Moveover from Palace for second week. Socko \$8,500. Last week, "Want Divorce" (Par), okay \$6,000.

Pastor Hall (Lyric) (1,500; 33-40-50)—"Pastor Hall" (Lyric). Fair \$4,500. Last week, "Angels Broadway" (Col), poor \$3,000.

Lyric (RKO) (1,400; 33-40-50)—"Men Against Sky" (RKO). Very poor \$2,500. Last week, "Captain Caution" (UA), pitiful \$2,000.

Palace (RKO) (2,600; 33-40-50)—"Down Argentine Way" (20th). Mild \$9,500. Last week, "Strike Up Band" (M-G), whom \$17,000, burg's biggest for some time.

Kath's (Loew) (2,150; 33-40-50)—"Brigham Young" (20th). Transferred from Albee for second week. Poor \$2,500. Last week, "Foreign Correspondent" (UA) (2d run), slow \$3,700.

'ROCKNE' CARRIES BALL IN PROV. FOR BIG \$12,000

Providence, Oct. 15. All stands holding their own hereabouts, with "Knute Rockne" carrying the ball at the Majestic for knock-out gross and certain holdover. "Third Finger, Left Hand," at Loew's State, is also one of the toppers.

Lack of usual downtown Columbus Day parade hurt matinees, but evening shows were jammed.

Estimates for This Week
Albee (RKO) (2,500; 28-39-50)—"Argentine Nights" (U) and "Diamond Frontier" (U). Nothing to rave about, though fair \$5,700 is in the offing. Last week, "Spring Parade" (U) and "Men Against Sky" (RKO) (2d wk), swell \$5,500.

Carlton (Fay-Loew) (1,400; 28-39-50)—"Westerner" (UA) and "Sky Murder" (M-G) (2d run). Holding snappy pace for promising \$4,500. Last week, "Strike Up Band" (M-G) and "Dulcy" (M-G) (2d run), hefty \$6,000.

Fay's (Indie) (2,000; 15-28)—"Leather Pushers" (U) and "Thundering Frontiers" (Col). Week's carry-over trade helping for good \$4,500. Last week, "Gay Caballero" (20th) and "Nobody's Sweetheart" (U), okay \$3,500.

Majestic (Fay) (2,200; 28-39-50)—"Rockne" (WB) and "Pier 13" (20th). Taking town by storm and, though turnover is limited by the three-hour show, is still headed for grand \$12,000. Last week, "City Conquest" (WB) and "Calling All Husbands" (WB), swell \$8,500.

State (Loew) (3,300; 28-39-50)—"Third Finger" (M-G) and "Glamour Sale" (Col). Promising neat \$14,000. Last week, "Westerner" (UA) and

Los Angeles, Oct. 15.

Only weekly change houses showing any decided strength on current week are Loew's State and Grauman's Chinese, day-dating with "The Westerner" (UA) of the first runs have holdovers, the day-date Warner houses, with an additional five days of "Rockne" and the RKO and Panagias with "Hired Wife" (U).

Paramount is augmenting "Cherokee Strip" with the Louis Armstrong orch and getting a nice play from the colored contingent. Other houses are doing just fair.

Widespread publicity was obtained through newspapers and from other angles through gag stunt arranged as bally for "Hired Wife" (U). Chinese theatre forecourt Friday night by George Waters. John Kimbrough, star player of the Texas Aggies, here on an intersectional game with UCLA, put his footprints in the cement, far outstripping (in size) those of any screen celeb previously imbedded. Other members of the Texas team also participated and newspapers went heavily for art. Waters also projected a trailer on front of a Broadway business house for a Chinese-matinee play, had a tieup with Chesterfield cigarettes which brought hundreds of window displays, and a Transcontinental air program featuring Doris Davenport of "The Westerner" (UA).

Estimates for This Week
Carthage Circle (F-W-C) (1,518; 55-83-110-165)—"Chief Bagdad" (UA). Korda production debuts (17) with a \$5 premiere, proceeds going to the Picture Relief Fund and British-American Ambulance Corps. Two-day schedule follows.

Chinese (Grauman-F-W-C) (2,024; 30-44-55-75)—"Westerner" (UA) and "Yesterday's Heroes" (20th). Dual, Cinema colony is responding nicely to Samuel Goldwyn's latest. Looks like nice \$10,300. Last week, "Public Deb" (20th) and "Caution" (UA), very poor \$4,500.

Downtown (WB) (1,800; 30-44-55)—"Knute Rockne" (WB) and "Slightly Tempted" (WB) (2d wk-five days). Despite drop on weekday attendance after strange "Rockne" holdover, likely held for extra five days, with likely \$7,000 in tilt. First week, after good start, eased to around \$10,000, strong \$10,000.

Four Star (UA-F-W-C) (900; 55-75)—"Foreign Correspondent" (UA) (3d wk). Continues to show strength and current stanza headed for \$5,800, after last week's drop to \$5,000.

Hawaii (G&S) (1,100; 30-44-55-75)—"Snow White" (RKO) and Disney Academy winner shorts. Hollywood boulevard's first-run opus is experimenting this week with the Walt Disney Festival and getting terrific \$6,000. New house record set over Sat. and Sun. Last week, "Fight for Life" (RKO) and "Quarterback" (Par), earned a nose dive on nine days for around \$2,500.

Hollywood (WB) (2,750; 30-44-55)—"Rockne" (WB) and "Slightly Tempted" (WB) (2d wk-five days). Holdover will likely add okay \$5,500, after first week finished around \$9,000, lower than weekend opening warranted.

Orpheum (B'way) (2,200; 30-44-55)—"Girl Havana" (Rep) and stage show, Abbott and Costello, making their first Coast stage debut, credited with bulk of fair \$13,500. Last week, second run o.k. \$10,000.

Panagias (Pan) (2,812; 30-44-55)—"Hired Wife" (U) (2d wk) and "Glamour Sale" (Col). Holdover justified and should hit very good \$7,000. First week, satisfactory \$10,500.

Paramount (CT) (3,598; 30-44-55-75)—"Cherokee Strip" (Par) and stage show, Louis Armstrong orch must be given credit for okay \$16,500 on nine days. Last week, "Dance, Girl" (RKO) and "Quarterback" (Par), garnered slim \$10,000 on six days.

RKO (RKO) (2,872; 30-44-55)—"Hired Wife" (U) (2d wk) and "Glamour Sale" (Col). Looks headed for good \$6,900 on holdover, after first stanza returned excellent \$10,900.

State (Loew-F-W-C) (2,414; 30-44-55-75)—"Westerner" (UA) and "Yesterday's Heroes" (20th). Good \$15,000 in sight. Last week, "Deb" (20th) and "Caution" (UA), brutal \$6,500.

United Artists (UA-F-W-C) (2,100; 30-44-55)—"Strike Up Band" (M-G) (2d wk) and "Captain Caution" (UA). Nice \$4,000. Last week, "Band" soloing, hit comfortable \$5,000 on move-over.

Wilshire (F-W-C) (2,298; 30-44-55)—"Strike Band" (M-G) (2d wk) and "Captain Caution" (UA). Headed for good \$5,000. Last week, with "Band" single-billed, big \$7,300.

"Sky Murder" (M-G), good \$13,000.
"Strand" (Indie) (2,000; 28-40-50)—"Angels Broadway" (Col) and "Sing, Dance" (Rep). "Sing, Dance" is lifting for good \$6,000. Last week, "Private Affairs" (U) and "Ski Patrol" (U), so-so \$4,000.

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for instance, New York!

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"A finely acted and superbly directed motion picture . . . Story a deeply stirring manifestation of passion in various forms . . . A mixture of hearty comedy and tense drama."

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"A fine and moving comedy-drama . . . The acting in every way is superb . . . Charles Laughton gives a heartrending performance, and fine jobs are turned in by Miss Lombard and Gargan as the two who sin."

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"The Music Hall carries along still further the current flood of good pictures . . . 'They Knew What They Wanted' is a warmly human drama, a picture that will remain in your mind and your heart for a long, long time."

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"Expertly translated to the screen . . . takes its place as one of the season's outstanding productions."

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"Everyone connected with 'They Knew What They Wanted' has done a good job."

CAROLE LOMBARD CHARLES LAUGHTON
IN
"They Knew What They Wanted"

Directed by
GARSON KANIN

with—

WILLIAM GARGAN, HARRY CAREY, FRANK FAY

SCREEN PLAY BY ROBERT ARDREY From the Pulitzer Prize Play by SIDNEY HOWARD



**IF THEY WANTED!
IN SAN FRANCISCO, NEW
YORK, CHICAGO, DETROIT,
BOSTON, NEW ORLEANS
AND COLUMBUS . . . AND
THEY'RE HOLDING OVER!
. . . MORE BIG OPENINGS
THIS WEEK IN A
SCORE OF FIRST-RUNS!**



HARRY E. EDINGTON Executive Producer

Produced by ERICH FOMMER

NATION-WIDE CO

FILM DAILY says . . . "Ranks among the best . . . a sure-fire attraction . . . seethes with fun-poking, crisp dialog, love interest galore, spectacular dancing and a pack of slick songs!"

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for the big musical made for the young in heart everywhere!

Three **"YAYS"** for dear old "POTAWATTOMIE" from the gangs at

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University of Texas
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University of Colorado
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University of Wisconsin
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It's Sensational B'way Musical Comedy Success!

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ARNAZ • HAL LEROY

Produced and Directed by GEORGE ABBOTT
HARRY E. EDINGTON, Executive Producer
Screen Play by JOHN TWIST



Not one of Jane Withers' best. She's being maneuvered over the jumps at 20th, trying to slide over the gangly period and into pre-ingenue stuff. 'Girl From Avenue A' is a period piece, of the gaslight, gas-buggy era, a rather trite re-scanning of the story of the guttersnipe who captures the fancy of a rich guy (Continued on page 31)

Civil War Scars Almost Effaced In Madrid With Show Biz Upturn

By JOSEPH D. RAVOTTO

Madrid, Oct. 1. Clare Boothe's 'Women' has unofficially started Madrid's winter season of amusement. In the last week there has been a decided up-beat in entertainments here although another fortnight must pass before the capital gets into its regular winter-season stride.

All this, of course, is still a far cry from the Madrid of pre-Civil War days, when dawn was closing time; yet, its comeback has been amazing when everything considered. Theatres, cinemas, cafes, restaurants and bars are flourishing, and unless a peak is taken in the corners where tourists don't usually go, one would never believe that there had been a war here.

Spain has suffered terribly, and many years must pass before all the scars of that struggle are effaced. Much progress has been registered along these lines but much more remains to be done.

Although practically all the effects of the capital's bombing have been removed from the buildings on the main avenues and streets, a random walk in the small sidestreets occasionally brings one face to face with the carcass of a house, or one that is gutted or one that is potmarked by shellfire. People live in some of these houses with only two or three walls still standing.

The Telefonica, the highest building in Madrid, has been completely restored. University City, however, remains as it was on the last day of the war, when the so-called Red Government surrendered its arms. It stands as a monument to the heroism of the Nationalist troops as does the ruined Alcazar in nearby Toledo, some 35 miles away.

Want to Forget

Yet, in the midst of their labors and trails, the Spanish people want to forget the past by seeking a little legitimate pleasure. The Spaniards are fatalists and the events of the last few years have made them even more so. Consequently, they live very much in the present with too much trust in the future and spend as they earn.

A stroll along the most important spots on the main boulevard would give an observer the impression that the Madrilenos were the gayest people in the world, and this impression would be quite right. The Gran Via or Avenida Jose Antonio has more the appearance of a main avenue in an American city than one in Europe. It is the Broadway of Madrid and is white-lighted all along. Cafes, bars, cinemas, legits, restaurants and important shops line avenue on both sides.

During the summer lull, all of Madrid that remained behind concentrated their attention on bull fighting. Although the papers are checkfull of bullfight descriptions and forecasts, just as Yank sports sheets are full of baseball scores in the summer, a foreigner is surprised to find out not the large number of Spaniards interested in bull fights, but the large number who are not. Many have never seen a fight nor care to, while the countless others only see a fight on the rarest of occasions. And, too, it is not alone the foreigner who is revolted by the killing of bulls and goring of horses. Many Spaniards feel the same way.

The Verbenas (Fairs)

Another form of amusement during the hot summer months consisted in going to the verbenas (fairs) which surrounded the city. Being outside the city bounds they remained open far beyond Madrid's 2 a.m. curfew law, and after dinner or theatre folk dashed there to continue the fun. Beyond the city limits one could also find many small restaurants, cafes, simple hotspots where one might hear and see flamenco singing and dancing. There were also three or four dance spots, but all of this required a car, and car-riding in Spain, at five pesetas a liter (\$1.50 per gallon), has become quite a luxury. Needless to say all these spots have suffered in direct consequence.

Aside from this form of fun, Madrid has been in a sleepy state these past three months. Hotspots were shuttered, only half the first class restaurants open, the classiest bars in town closed, the showcases showing old American, French, German, Italian and Spanish. 'Women,' adapted from Spanish by Samuel Ros, was premed at the Al-

French Film Distrib Lags, Turns to Prod.

Mexico City, Oct. 15.

Jorge M. Dada, a leading distributor of French pix in Mexico, who gained a precedent of the federal supreme court by nixing the censors' ban on the film, 'Arlette and Her Pappas,' has turned producer because of increased difficulties in obtaining supplies from Europe.

Dada is working on his first production, a comedy, which he expects to give him a most Merry Christmas.

PIC PRODUCTION SPURTS IN SPAIN

Washington, Oct. 15.

Spurt in the production of Spanish films was reported last week by the Bureau of Foreign and Domestic Commerce. Communication from the office of the American Commercial Attache at Madrid cited 'notable progress' in local production since the termination of the civil war, explaining that prior to the conflict development of the industry had been slow because of 'severe competition' from American, German, French and Italian film companies. Since peace was declared in April last year, Spanish studios have produced 24 feature pix, plus many newsreels, shorts and cartoons, Madrid reported. Number of foreign films have been dubbed.

Advance was attributed to the stimulus given by government regulating agencies which have made it hard for foreign companies to introduce new pix or to secure films for dubbing and copying. Also, a large group of local artists has been developed and production technique has shown a steady improvement.

Ten producing studios and five dubbing studios at present are operating in Spain, according to the report.

Aussie Exhibs Plan Protest vs. Possible U.S. Film Rent Hikes

Sydney, Oct. 15.

With the war-time price-control commission operating under Professor Copeland exhibitors here plan to protest to the commission should U. S. distributors increase rentals on next year's product. Exhibitors are emphatically opposed to admission increases to offset any hike in film rentals. Because of this stand, they have flatly opposed any attempt by distributors to tilt the scale on product deals.

News to N. Y.

No general increase in film rentals is being considered for New South Wales, according to information in New York. Higher percentages will be sought on certain outstanding attractions in Australia and elsewhere in the foreign market when distributors believe the product justifies such increases. Such tills will be patterned after any raises asked in the domestic market.

cazar recently met a mixed reception by the press. Only up the street, at the Caldera, 'Madre Guapa' ('Beautiful Mother') met with a better reception. 'S.O.S.' with Raquel Meller, at the Coliseum, has been hitting it well these past few months and is still going strong.

The cinemas has not yet shown any signal revival but the first pic of the new season will come out within the next fortnight. It is the Italian-made 'Siege of the Alcazar' with Spanish, Italian and French actors, which won one of the main prizes at the recent Venice film festival. Already new American, French and German pictures are ready for showing, while three or four Spanish-made, not released last season should be on view before the end of the month.

London in Wartime

London, Oct. 1.

Fathe reeler Richard Butler, while lensing West End raid recently, was hurled 40 yards by an explosion, netting back injuries and concussion.

Anthony Asquith at Denham making a short for the Ministry of Information.

Fox-Movietone has established a camera unit atop roof of its office building in Soho. Crew is on the spot nightly for London anti-aircraft gunning.

Sydney Bernstein, chief of films division of government's propaganda bureau, does sentry duty outside entrance to the concern he bosses.

Scenery of 'White Parents Sleep' was destroyed by raid while on transit to Edinburgh, and company had to hunt around locally for make-shifts to open in time.

Troops and their rifles are causing a headache to theatre managers. Military rule insists soldier must not be paraded from his weapon, but civilian patrons no like to sit alongside.

Lange, Lawrence To Europe, Seek To Salvage Par, M-G Biz

Fred Lange, Paramount's European chief, took the Atlantic Clipper for Lisbon Thursday (11) to personally supervise the necessary liquidation work in Nazi-controlled countries where Par has been ordered to halt distribution. If he finds conditions somewhere near normal he expects to remain abroad for several weeks, possibly months. Otherwise, it would be a quick trip. He is the first American film company Europe since nearly all major company representatives came back to the U. S. after the fall of France.

Ludwig 'Ludy' Lawrence, Metro's manager for Europe, will Clipper abroad today (Wednesday) unless the plane is delayed on departure date, now threatened. He will be accompanied by Louis Chatain, director of the company's operations in France. Both Lange and Lawrence plan visiting Portugal, Spain and possibly France. Trip to France will depend entirely on conditions and approval of their visits. Lawrence also intends visiting Italy, where Metro has maintained a small office ever since the distribution set-up of that country was withdrawn from that country. Both Lawrence and Lange planned going to Europe several weeks ago but were held up by inability to secure visas to visit even Lisbon or Barcelona.

Chatain, who suffered a paralytic stroke while flying to the Coast about a year ago, has recovered sufficiently to travel back to his home in France. He had been recuperating in N. Y. for nearly 11 months.

Besides the work of liquidating holdings in Belgium, Holland, Germany and the Nazi-controlled portion of France, both executives likely will attempt to establish headquarters and a system whereby other parts of Europe and nearby nations may be more efficiently serviced now that the Paris office, which was the Continent's headquarters, is shut down.

Scarlet-Red Prof. Looks Washed Up

Mexican Labor Politics May Be Less Unsympathetic to Business

Mexico City, Oct. 8.

Amusement biz is speculating as to what new stand the Bowers Confederation of Mexican Workers' dominator of stage, screen and radio in this land, will take now that it looks like a cinch that Prof. Vicente Lombardo Toledano, long boss of the Confederation and Mexico's labor star, is to be put aside. Confederation's execs have been assured that the majority of the labor units that belong to the organization will vote against Toledano and for Fidel Velasquez at the annual officers' election in November.

In other elections, Toledano won in a stroll and is a decided leftist

Sydney, the 'New York of the Pacific,' Deplores Its Near-Extinction of Legit

Sydney, Sept. 25.

Azcarranga Group Plans Six-Theatre Mex Circuit

Mexico City, Oct. 15.

Teatro Alameda, owned by the Emilio Azcarranga group, is building up a class cinema circuit with the reconditioning of the veteran Cine Bucareli and the construction of two other houses, total cost of which will be \$400,000. The circuit is to ultimately have six links.

Pictures will have first runs at the Alameda, then go on the circuit.

AMUSEMENT BIZ TAPERS OFF IN MEXICO

Mexico City, Oct. 15.

Amusement biz is very slow here right now, what with the inevitable economic lull at the end of the six-year presidential term, armed trouble at home still a prospect, though this peril has become less; war preparations by the U. S. which now increase the jitters in Mexico, and no signs of any comeback of the American tourist trade, a thing that this biz urgently needs. Yet there are some bright spots, strengthening of the peso against the dollar for one, which affords U. S. pixmen more coin to send home and expected huge outlays in Mexico both by the U. S. government for naval and air bases and business men for various kinds of investments for another.

Cinemas continue to be the most popular general indoor diversion. Night spots trade just so-so. Concerts are pretty much stag affairs, men outnumbering femmes in the audiences as much as eight to two. Tourist agents held an emergency meeting and decided to ask the government to do something toward helping them out, by more intensive advertising, particularly in the U. S., and the granting of extra special facilities for visitors.

Argentine 'Invasion' Concerns Mexican Picture Producers

Mexico City, Oct. 15.

Domestic pic producers are worried about an 'invasion' of Argentine films, 34 of them, which will be released here from the end of this year to early in 1941, the biggest batch of these productions to arrive together. Looks as if the Mexican makers will have to take it, for their production this year promises to set a new low. Output is not expected to exceed 30.

Promised government aid is not expected to improve conditions, though the industry has high hopes that 1941 will witness a better time because of the promise President-elect Gen. Manuel Avila Camacho, scheduled to take office Dec. 1, made during his electioneering that he will do all he can toward giving Mexico a thoroughgoing pic industry.

Sydney, the New York of the Pacific, is in a tragic position so far as legit is concerned. The present war has had nothing to do with legit's complete decline; it was anemic long before Hitler came to full power, and its sponsors seemingly have never tried earnestly to revitalize flesh-and-blood in this sector.

For some time there's been considerable catering to the class populace, with repeats of the Covent Garden Ballet and replays of Gilbert-Sullivan operas, the high prices for which left the general public cold. No new shows of any importance have been spotted here; what does flow in nowadays comes from the mothballs with such oldtimers as 'The Student Prince,' 'Vagabond King,' etc. No new fairs are spotted, and the talent generally carries very little marquee value. When the mothball shows run out, it looks as though legit will be run out of this territory completely. With legit in its present form, a quick demise would probably be more welcome than a lingering one to those who remember the time when legit was very long ago—when legit was tops here.

Then and Now

During World War I, when Hugh J. Ward headed J. C. Williamson, Ltd., legit was in a flourishing state in four major legit houses locally. Today, the city itself has only one legit. Ward knew what to buy from U.S. and England for here. He kept up a continuous import policy, tempored his attractions to the right key and maintained big names on the marquee.

Falling out with the Taits, who later combined with Williamson, Ward joined the Fullers in legit opposition and scored with such major hits as 'The O'Brien Girl,' 'Little Nellie,' 'Katie,' and many others. Finally, Ward retired, many later, the Fullers—Sir Ben and John—split, with the former sticking in show biz to a minor extent, and the latter going into real estate.

Williamson-Tait, when the talker era hit legit, were given no opposition, but gave up the theatres; one is now a hotel, one a department store and the third a pic house.

A New Bid

Ken Asprey's Australian and New Zealand Theatres, Ltd., also went floppo.

Alibi for the few new shows or talent is that government monetary restrictions prohibit coin from flowing out of this territory for product purchase, and likewise prohibits talent from taking earnings away. However, against this alibi is the fact that long before restrictions came in to cover wartime exchange, few new shows or talent had been imported to this territory.

PATHE, 20TH, RKO PROD. IN ENGLAND

London, Oct. 1.

Pathe's Welwyn Studios has six feature outlines. 'This Man Is Dangerous,' 'Streets of London,' 'Murder in Haunted House,' 'Second to None,' 'Look for Silver Lining' and 'None But the Brave.'

20th Century Productions has rolled 'Kipps.' In addition to Michael Redgrave, casting of lead roles completed with Diana Wynyard, Phyllis Calvert, Arthur Riscoe, Frank Pettingill and Mackenzie Ward. Carol Reed directs.

Sally Gray draws femme spot opposite Hugh Sinclair in RKO's 'Saint's Vacation' at Denham.

WB Continues Production With 'George and Margaret.' Initial quota film on its former schedule, out of the way. Warner Bros. is carrying on production work on 'An Empire Is Built' at the Teddington studio near London despite heavy Nazi bombing raids. Warners also is laying plans to swing into production in England a feature based on the history of the Cunard Line. A third quota film also is being considered.

'Empire' is based on the life of Benjamin Disraeli and reputed to differ from the 'Disraeli' picture in which George Arliss starred. Film has John Gielgud and Diana Wynyard in the leads. Although reports received in N. Y. are that actual work on a plot must shut down during even a nearby bombing raid, shooting on the vehicle goes forward rapidly between lulls.

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Announcement to
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In 1883 the beat of horses hooves pounding on dirt roads established the fastest tempo of the times in most parts of the world. Passengers and mail waited on men and horses. And the news moved no faster than the fastest horse.

But then, even as now, the men of journalism constantly searched for faster means of bringing news to the people. Speed and truth was the axiom of a great profession, Julius Reuter built his life on that axiom.

Today, the great men of journalism, from managing editors to reporters, still live by those two words... truth and speed. It is to them, the gentlemen of the Fourth Estate, that Warner Bros. dedicate this story.

EDW. G. ROBINSON "A DISPATCH FROM REUTERS"

with EDNA BEST EDDIE ALBERT
Albert Basserman • Gene Lockhart • Otto Kruger
Nigel Bruce • Montagu Love • James Stephenson
Directed by WILLIAM DIETERLE
Music by Max Steiner • Screen Play by Milton Krims
From a story by Valentine Williams and Wolfgang Wilhelm

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It tells your newspapers' editors and publishers
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This is only one of the big and different promotion
ideas behind the picture that's packed with 'em!

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Reuter—THE MAN WHOSE
SHADOW ENVELOPES THE GLOBE
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CONTROLS THE WORLD'S MOST
AMAZING DISPATCH SYSTEM!

All this furious drama will flash
across the screen next week with



ROBINSON
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**DISPATCH FROM
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GET GOING! GET YOUR DATE
TO **WARNERS NOW!**

MUSIC HALL, N. Y.

'Accent on Charm,' produced by Russell Markert, with Anne Roselle, Louise Fornace, Marie Grimaldi, Frank Paris, Loren Hollenbeck, Carlos Peterson, Jan Pierce, Irving Landau, Glee Clark, Charles March of Time and They Knew What They Wanted (RKO), reviewed in VARIETY Oct. 9, '40.

'Why,' said little Rollo, 'is the stage show called 'Accent on Charm' this week?'

'Don't pay any attention to the name of the stage show,' said Rollo. 'They have to have a name. Russell Markert can't just call it stage show number 456.'

'Who's that directing the overture?' continued Rollo.

'Who knows?' said papa. 'From the back of this par five it's just a man in black tails with a stick.'

'Is it Erno Rapee?' said Rollo.

'That's see,' said papa, thinking, 'is this the last show Saturday night? No; it's Thursday. I don't know, Rollo. I can't make out at this distance.'

'It's either Erno Rapee,' said Frank Nowicki or Jules Silver. You never know for sure who's directing at the Music Hall.'

'Who don't they put up a sign?' said Rollo. 'Maybe I could walk like to know.'

'They would, except that they never have,' said papa. 'The Music Hall is devoted to tradition.'

'Well, I like the overture, "Dance of the Hours." It's sort of nice and soothing and has a fast finish.'

'That's more Music Hall tradition,' said papa.

'Who's that woman standing out there all alone on the big stage?' asked Rollo.

'The program says it's Anne Roselle. Nice voice, eh?'

'Yeah,' said Rollo. 'I guess so. But she looks awfully lonesome.'

'It isn't half as lonesome as it used to be opening the show at the American Roof,' said papa.

'Well, she made it,' said Rollo, as Miss Roselle took the high notes and the bows. 'What next?'

'Next comes "Maude Decade,"

'Let me guess,' said Rollo, 'is it a ballet?'

'Smart boy,' said papa. 'Florence Rogge trains them. Erno Rapee directs. It must be a hard grind. Look at all that leaping and prouetting and whatchamacalling. Artistic, eh, Pop?'

'Very Rockefeller, very Rockefeller,' agreed pop.

Rollo also liked Frank Paris, who works dolls a la marionette. A new twist on old stuff, he added. 'The showmanship,' he said, 'the fellow has used his imagination to create a cute novelty. They could use more cute novelties at the Music Hall.'

'Not so loud, little Rollo,' said papa, lighting a match to read the program.

'O-oh, look,' said Rollo, 'funny feet with radium. Here comes the wham.'

'Meaning the Rockettes with a perky routine.'

'Now,' guessed Rollo, 'the bottom of the stage will open and the entire company will come up behind Jan Peerce.'

'A swell tenor,' said pop. 'I wouldn't know about such things; but some people think he ought to be at the Met.'

'Well, why isn't he?' asked Rollo.

'You're too young to know about the Met,' said papa.

And then 'They Knew What They Wanted' began. Land.

ADAMS, NEWARK

Newark, N. J., Oct. 13.

'Funzaire' unit, unit with Benny Meroff Orch, Terry Howard and Jack Talley, Ken and Roy Paige, Eight Daughters of Satan, Wynn Twins, Five Sallorietes, Lois Shannon, Joe Bonnel, Al De Vito, Billy Morosco, Al Spiro, Jimmie Dunn, Sinder, Joe Fecher's House Orch, 'Doomed To Die' (Rep).

'Funzaire' is one of those slapstick laugh shows designed to turn the tre into a madhouse for some 60 minutes. It clicks.

Benny Meroff's act remains on stage practically untouched. He is not only bated but m.c.s. alternately turns comic and straight, and generally paces smartly. A novelty offering with musicians is series of half-serious tableaux of rival bands that registers solidly. Al De Vito, drummer, steps down from regular perch at one point and socks over impersonation of symphony kettledrummer-eating lunch from pail, batting pieces of toast about, etc.

Gags keep popping through the show, in addition to which all of the acts get more or less scrambled together before it's over.

Ken and Roy Paige are zany comics with a repertoire of pratfalls, and the Wynn Twins, a midget and fat guy, also keep the situation well in hand. Stoges entrusted with the business of bouncing up in boxes, running up and down the aisles, and such other things as shouting insults to odd moments. It's Billy Morosco, Al Spiro, Jimmie Dunn, and Sinder.

Joe Bonnel got a good hand with his eccentric dancing. He heightens

effect by wearing freak costume and looking own accompaniment on sax. Tap dancing of Louise Shannon is worth a second gander. Gal has looks, a nice taste in clothes, and manages to inject personality into her hooding.

Terry Howard, with her version of how a little girl behaves and misbehaves, rings the bell. Tiny and blonde, she's cute; assisting her is Jack Kelly, pleasant-voiced singer with troupe.

Show really has two lines—the Five Sallorietes, gal tumbler, and the Eight Daughters of Satan. All have necessary looks.

B. O. satisfactory when caught Sunday, in spite of tough competition from big Holy Name street parade.

Kent.

APOLLO, N. Y.

John Kirby Orch (4), Maxine Sullivan, George Wiltshire, Bob Hope Quartet, Ralph Cooper, Ralph Brown, Vivian Harris, Marie Bartell and Williams Bros., Pigment and Freddie Robinson, 'Girls of the Road' (Col).

The John Kirby band of six with Maxine Sullivan, swing singer, form sturdy background for the new show here which, among other things, contains some strong burlesque flavor as well as novelty. As is customary, a white act, Bob Hope Quartet (New Acts), is included in the lineup. Foursome took through nicely with three songs. Group is made up of three women and a man. Later is Hope and, of course, is not to be confused with the comedian of the same name.

Usually, the band here works as the second half of the show; with Kirby, the orchestra is also used up front. Tooters and Miss Sullivan close the proceedings. Band is one of the best among smaller combinations, including Kirby on the bull fiddle. He is the husband of Miss Sullivan, who is doing three numbers.

Pigment is a comedian working in burlesque fashion. A frequent booking here, he is typical of the old burlesque school, and with a lot of horseplay gets plenty of laughs. One sequence is built around a presidential election, while another is a courtroom scene that's a bit too long.

Pigment has various persons assisting him, including George Wiltshire, Freddie Robinson, Ralph Cooper and Vivian Harris. He is the judge presiding at the comical trial.

Ralph Brown is a tap-dancing specialist who does nicely in two numbers, one on the buck-and-wing order. He has a fine sense of rhythm and scored strongly when he sang. Marie Bartell and Williams Bros. do comedy adagio work, getting over satisfactorily.

Show is better than the average here, has good pace and has been well staged. House line of girls works in the production numbers.

Business good Friday night (11).

Char.

GOLDEN GATE, S. F.

San Francisco, Oct. 9. Fred Sanborn, Kirk and Clayton, Violet Carlson, Kwam Bros. (2), Herb Schriener, Rosita and Deno, Charles May's House Orch, Eggy O'Neill, House Orch, 'They Knew What They Wanted' (RKO).

Fred Sanborn is becoming a San Francisco institution. He's back on the Gate stage for his second stanza within three months, and in between he topped the 'Folies Bergere' at the Expo. If possible, they like him better now than ever, and he can spend the rest of his life here so far as the localities are concerned. The voiceless comic has added a new twist to his trick xylophoning for this appearance, picking marshmallows from between the staves and munching same. Payoff comes when seedy-looking housewife climbs up from audience, prowls instrument and snags a hidden banana, which she peels and gulps on exit.

This week's act opener is allotted to the Kwam brothers, two members of a Chinese troupe which worked the Fair this summer. Decked out in Oriental costumes, which they are wearing in the exotic Chinese Village pair do a minor fraction of their routine, but it's enough to leave the viewers gawping.

Balance of bill is occupied by two dance teams—one, Kirk and Clayton, in deuce, and other, Rosita and Deno, closing, plus Herb Schriener, mouth-organist, and Violet Carlson, knockabout comedienne. Latter is backed as making her first appearance here, a humor bit of a coarse brand that's below Frisco standard. Got her best laughs with some gag props. A somewhat similar, but much better, act went through here two weeks back, same being Cass Daley.

Schriener lad is a wizard on the harmonica, but his patter hits only about 50% of the time. His rude deuce humor, however, is a young and trying, however, and possibilities were recognized by audience, which gave him a nice reception.

Wern.

STATE, N. Y.

George Jessel revue with Rochelle Hudson, Jean Parker, Isabel Jewell, Steffi Duna, Lea Lys, Betty Jane Cooper, Lynn Gary, Lois Andrews, Ruby Spring, George orch, Argentine Night (1), reviewed in VARIETY Sept. 4.

Right at home in the midst of a flock of young beauts, George Jessel manages to contrive an interesting hour's entertainment out of the troupe of seven Hollywood femmes with whom he has been traveling as a unit. Lacking any sock talent except that of the head man himself, the aggregation proves amusing largely because it is so different from standard vaude shows. Too much of the same sort, he decries, but in its present form this unit is pleasantly palatable without endangering the State's rafters through over-enthusiastic response from the audience.

Jessel, as might be expected, draws the opening with an explanatory introduction as to what he is doing. He tells the girls out one by one, interviewed each in the manner of a newspaper reporter (for the Pittsburgh Pic, the Baltimore Timmis, etc.). Aside from getting some minor laughs from the players about themselves, he gives him a chance for a running gag. Each girl is asked her fave actor. Each replies Clark Gable. For the finale, all the femmes are brought on stage and Jessel appears in the Gable getup from 'Gone with the Wind.'

Although each of the gals contribute a solo bit to the preceding, after she has been interviewed, heaviest portion of the entertainment load must be shouldered by Jessel, and the comedienne's initial intro of the unit starts off top-heavily serious, but he soon swings into kidding his own affairs.

Incidentally, Mrs. Jessel is taking an introduction at almost every show. When caught, a simple femme voice from the audience, 'Bring out your wife.' Like a flash, Jessel was into the wings and back again with Mrs. J., who gaily took a bow and screamed after hubby kissed her hand.

[She becomes part of the act henceforth, succeeding Steffi Duna, who bows out, and George Wiltshire, Dennis O'Keefe on the Coast.]

The Hollywood gals are all fifty-lookers and eye-catchingly cut. Trained, which is taking nice advantage of their principal stock in trade because none is in the high-powered star class.

Lya Lys' contribution is Russian gagging. (The gag is 'Alice Blue Gown' transference) which falls pretty flat. Isabel Jewell does a dramatic bit about Maisie, the lunch counter gal, who loves a truck driver. The phony tragedy of it—even were it done by Helen Hayes—is embarrassing to the audience, succeeding in making everybody else slightly uncomfortable.

Steffi Duna sings 'La Cucaracha,' which she did in an RKO pic some years ago. The introduction is due entirely to her looks, Rochelle Hudson gets a bit of production buildup.

She chirps 'Too Marvelous for Words.' Her voice falters, but she also gets a bit of production buildup. Jean Gary who's getting her screen baptism in RKO's 'Li'l Abner,' to be released shortly, does a bit of jittery warbling, some minor comedy and tapping. It's all Jean Parker is a bit too on the sophisticated side ('What I like about you New hands' at the start, but recovers satisfactorily in a skit with Jessel).

Which clicks nicely. It suffers slightly from bad microphonics when she couples, move upstage to what's supposed to be a comedy bit. Cooper does a comedy stooge bit as the waiter; he's also company manager.

Betty Jane Cooper displays more talent than any member of the supporting troupe after she gets a bad song off her palate. She goes into a tap session that's a topper, exhibiting a load of skill in a flock of unique steps. Troupe carries its own special maestro, Mario Silva (Murry Spill).

Jessel winds things up prior to the Clark Gable 'Wind' bit with a medley of his oldies, telling what happened to the coin he made from each. It scores nicely. Herb.

HIPPO, BALTO

Baltimore, Oct. 13.

Gae Foster Roxettes (16), Johnny Burke, Ross and LaPierre, Ben Yost's New Yorkers (8), Phil Lampkin House Orch (12), Howards of Virginia (Col).

Lots of people on the stage here and a fair layout. Employing the permanent line of 16 Roxettes to break up into small groups and building a stage-filling finale by blinding the line and a return number by Ben Yost's mixed singing octet, lavent takes on a presentation form to rather good effect.

Opening with a patriotic drill to vocal of 'I Am An American,' line goes through some precision stuff.

Wern.

Highlighted by effective drum whacking. Blings on Frank Ross for his impression of a radio show. Assisted by his femme partner, Ross gives out with vocal impressions of Busse, Clyde McCoy and a hillbilly comic, imitating radio instruments without resorting to his hands to help produce the tones. Employs comedy panto to highlight his impressions. Following vocal of 'Nobody's Baby' in French dialect by Miss LaPierre, he contributes impressions of Popeye, Roughhouse and Olive Oil and closes strongly with hot locks to partner's vocal of 'St. Louis Blues.' Works well.

Ben Yost's New Yorkers follow with medley of musical comedy numbers. Look well and have a fairly potent local punch. Johnny Burke is back again and thanks to revival of martial spirit and impending draft, has what it takes to produce a very timely and funny act. The comedy is in the uniform of World War I. Burke retells the gags of that day, getting a steady stream of laughs for his routine. Went big here and is made to order for any present-day layout. Mixes in a parody of pops which divides matters very well.

Roxettes follow crinoline opening by Yost ensemble in 'It's An Old Southern Custom.' The comedy is out of a picture number, employing paraisols to good effect.

Biz fairly good. Burn.

ALVIN, MPLS.

Minneapolis, Oct. 12.

Allen Gilbert Line—Paul Allen, Beverly Clark, Dick Conrad, Jardiner, Cowan and Golden, Happy, Tom and Jerry, LaFonds (2), Bobby Gilbert, 'Three Faces West' (Rep).

With vaudeville, booked by Leo Shalkin out of the William Morris Chicago office, supplanting Midwest burlesque wheel shows to supplement the house production numbers with its 16-girl line, this vaudeville policy-inaugural, while suffering the handicaps of having been hastily booked and having been somewhat tossed out of kilter by several last-minute defections, nevertheless provides much entertainment talent. Three acts rate good and it's really a lot of show for the price. Eleventh hour substitutions were made necessary when illness caused the cancellation of the Rich and Gibson act and Frank Thomas, another performer, walked out after a dispute with the management.

As usual, the production numbers with the 16 girls, all lookers, are gagging. (The gag is 'Alice Blue Gown' ensemble, a Viennese Waltz interlude, a fast, lively 'minuet in jazz' and a snappy cocktail shaker dance.) The girls are elaborately staged and costumed and furnish an impressive flash. The femmes demonstrate considerable dancing prowess. The eye-catching show girls are parading in a variety of elaborate attire. Throughout for that matter, the raiment usually is sufficiently scanty to reveal plenty of limbs and other uncovered cuticle. In using production numbers that give the shows a revue air, in place of traveling stage bands or house stage musicians, Harry Hirsch and Harry Katz, who are the comedians, the impresarios, are trying a vaudeville experiment, locally at least.

Beverly Clark, Dick Conrad and Paul Allen, the last named a house fixture, are the singers who work in the production numbers. Miss Clark, also has her own act, and, in addition, she is the production numbers and contributes little with her semi-strip and near-nude. All three vocalists, however, are the possessors of strong voices and sell their numbers well.

Allen Gilbert, part of the Bobby Gilbert act, neatly m.c.s. simply introducing the acts and making no attempt at gagging. After the opening 'Alice Blue Gown' production number, Cowan and Golden, a comedienne and a straightman from last week's burlesque where they were pressed into service at a moment's notice to replace the walk-out Chick Connors, start the act. They supposedly threw their act together at a moment's notice, they did remarkably well with their exchange of banter, dancing and landed a laugh. Cowan's dancing act landed a laugh.

The LaFonds, man and woman team, score with their eccentric and acrobatic comedy stepping. Later, in a production number, they blossom forth as first-rate comedians. Happy, Tom and Jerry follow a production number with a fast roller skating turn. There's never a surcease from the cycic pace which the two men and girl maintain throughout the act.

Miss Clark does nicely with her pop ballad and then, after another production presentation, Gilbert comes through with the really first sock. Starting in the pit as a supposed orchestra member, he winds up the act with his own straightman, Allen Gilbert, who is a violinist. His scrambled English is good for laughs and he finishes with playing of the instrument.

A well-filled house at the midnight Saturday show when caught. Rees.

ORIENTAL, CHI

Chicago, Oct. 13.

Wen Hai Troupe (5), Bobby Pinkus (2), Uncle Walter's Dog House (12) with Tom Wallace, Virginia Merrill, Charles Lyons, Bob Strong, Stanley Lee, & Howie Lee with Jessie Garwood, Kurt Whitney; 'I Love You Again' (M-G).

Another one of the radio personals that indicate a little showmanship, little preparation and a complete lack of understanding of stage needs as opposed to what will go on radio. That's the story in Uncle Walter's Dog House, one of the most popular, cheapie musicals on the ether. This tobacco show indicates a radio following, but playing here proves that the show is for radio rather than a metropolis. The audience of this metropolis is not hurrying to purchase tickets.

It's 30 minutes of hedgepodge that gets few laughs, is dressed up generally and treated, seemingly, by audience and actors alike with a feeling of set-it-over-with-as-quickly-as-possible.

There is no need of a New Act notice because turn is tied down pretty firmly to Chicago because of its radio origination, and there is no likelihood of it going on the road.

Tom Wallace, who plays Uncle Walter, attempts to be folksy but misses the point completely. Charles Lyons, NBC announcer, doesn't know quite what to do with himself and ends by being a little charmingly condescending. Bob Strong, the program's regular musical director, works here with the house band and does wisely in the background. Virginia Merrill is the single show-saver with her low-pitched warbling. Shows hard and puts over a couple of tunes in bang-up showmanship style that kept this audience asking for more.

There is a quartet which does a vocal job of no consequence. Then follows a sketch showing how his husband is in the doghouse due to a case of mistaken identity. It's put on in high-school fashion and gets few laughs. They wind up by giving a dog away. Ping-pong balls are thrown into the single show and the person getting the ball with Walter's signature gets a puppy. It's an okay little stunt but has nothing to do with the show.

Stan Meyer is the new house m.c. and orchestra conductor. Most of the pit band is composed of the standard Myers orchestra, with a few of the house men holding their own. The orchestra turns in an excellent job and Myers himself is a genuine personality who should develop into a box-office asset. Overture scores clearly. Two warblers in the band are Jessie Garwood and Kurt Whitney, who turn in capable jobs on pop tunes.

Standard vaude turns out the first half of the show. Wen Hai troupe is solid and well aligned. Uncle Walter has bulk and flash needed on all variety bills, is costumed well and clicks especially with acrobatic work on the horizontal bar. Bobby Pinkus is a performer with plenty of background and experience but who still has not fulfilled his potentiality because of the lack of proper material. Does some cross-breed single show, some clowning out of burlesque with a male stooge. On his own, Pinkus insists that his 'I Like to Sock Myself on the Jaw' number is very, very funny. He is trying to convince Pinkus that he's wrong. Business weak at the supper show Friday (11). Gold.

ORPHEUM, L. A.

Los Angeles, Oct. 9.

Abbott and Costello's 'Baleys; Monroe Brothers, France and La-Pell, The Staders, Winston Chenoweth, George Ballard, Al Lyon Orch, 'Girl from Havana' (Rep).

Lou Abbott and Bud Costello, who have piled up quite a rep over the ether lanes, via Kate Smith's program, and who came to make a picture at Universal, are making their Coast stage bow at the Orpheum this week, and clicking for solid returns.

Running the boys a close race for applause honors is Cass Daley, a comedienne of the first water, whose mugging, contortion stepping and parodies provoked real belly laughs at today's (Wednesday) opener. This is gal's first trip to the Coast, but vaude house managers should offer her plenty of work to keep her in these diggings for quite a spell.

Abbott and Costello, a pretty much their radio routine, with Abbott working straight and endeavoring to get his partner all tied up. Costello handles himself easily and his lines are always well timed. Boys build much of their act around Costello's dislike of mustard and is worked up to the wellknown 'I'm a bad boy,' which brought additional yells from these summer customers. Doing their double, boys come back after Miss Daley for a comedy skit, a three-shell game, in which lemons act as wild cards, and shells, and Miss Daley, a programmed male assistant. Skit ends in a blackout that sent pair off to ringing approbation.

Another older, older, that scored heavily today was the offer. (Continued on page 22)

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second stage show here appears to be an improvement over that of the preceding week. Emphasis on comedy is, of course, geared entirely for this crowd, but it seems to have caught on, but the



tigress!

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2 Theatre Fires, Houses Changing Ownership, Other Exchange Briefs

Syracuse, N. Y., Oct. 15. Fire believed to have started in sound equipment of the theatre in East Syracuse caused damage estimated at more than \$8,000 Friday (11). Firemen fought the flames nearly an hour, confining damage to the stage, screen and sound equipment. Alfred DeBello, proprietor, placed a valuation of \$3,500 on the damaged sound equipment.

Theatre Fire Takes an Encore.—Stephenville, Tex., Oct. 15. The Majestic here, only reopened 90 days after rebuilding from fire losses, was again badly damaged by fire here last week. Fire started between balcony and projection room. The building is owned by R. E. Cox with the theatre itself owned by Mrs. Thomas Donnell. Manager is Jake Hedrick.

Jefferson Takes Over 2.—Port Arthur, Tex., Oct. 15. The Sabine here and the Jackson in Jacksonville have been leased by Jefferson Amco Co. from Hyman of Lufkin, Tex. Both houses, financed by Hyman, were put in and equipped by Lee M. Threet. Threet operated the Jackson for a number of months but split with Hyman as about the time the Sabine was opened. Group also had an interest in the College Station house, the Campus, which recently went into receivership.

Al Johnson has managed the two houses here and in Jacksonville, for Hyman. Houses were competitive to Jefferson holdings in each city.

Lou Helborn in Omaha.—Omaha, Oct. 15. Louis Helborn, for 18 years manager of the old bigtime Orpheum, Denver, came to Omaha this week to handle the Nebraska-Iowa publicity situation for Metro. Speed Lambert, who held the job for five years, leaving reportedly tying up with radio outfit.

Helborn has recently been managing theatres of his own around Denver and tied up with M-G when he handled 'Gone With the Wind' in mountain area.

Larry Waters' House.—Charlotte, N. C., Oct. 15. Larry Waters, with National Screen Service in Charlotte for the last four years, named manager of the Charlotte theatre by Tom A. Little, owner.

Rock Hill's new Pix, owned by Robert E. Bryant, has just had its formal opening.

Griffith's Facelifting.—Gonzales, Tex., Oct. 15. The Crystal 'A' house here for the Westex Theatres, R. E. Griffith subd., has undergone extensive improvements as have several other houses. Group opened another house here.

In Luling, the Princess, has undergone the same treatment. A lease has been signed by Francis Albert. At Lockhart work is being rushed on the Baker and after completion, work is to start on remodeling the old Square, which is to be open at the end of this month.

Kreiser Succeeds Abrams.—Recently promoted to the Universal home office as special sales representative, Bernie Kreiser has been appointed short subject sales manager, succeeding Leo Abrams, who resigned two weeks ago. For many years Kreiser was branch manager for U at Washington.

Fay's Shift.—Providence, Oct. 15. Shifts in general managerial duties in the Fay chain of theatres here will go into effect Friday (18). Bernard E. Fay, manager of Majestic, will become assistant to Edward M. Fay, secretary to Francis Albert. J. Clarke, manager of Carlton, will take over similar post at Majestic, and John F. Toohy, assistant manager of Majestic, will become manager of the Carlton.

In line with the changes is complete reseating of Majestic and remodeling of front including new marquee, modern signs and up-to-date lobby.

Schulte Acquires 2.—Detroit, Oct. 15. Schulte Circuit here has bought the Greenwood and Virginia theatres. The pair were sold by Joseph G. Portelli, circuit owner, who is moving to Miami, where he operates a ballroom.

Marlowe, Buffalo, Facelifting.—Buffalo, Oct. 15. Marlowe, Buffalo, is closed this month by M. Konczakowski circuit for remodeling.

Joseph Hartman, UA representative covering Rochester and Syracuse territory succeeding Joe Kalski.

New ushers union affiliated with IATSE has been moved to include ushers of all Shea-Paramount houses.

Father-in-law of Edward K. (Ted)

O'Shea, Metro district manager, died here following long illness.

James Fater, universal salesman in Buffalo territory for 12 years and recently assigned to Pittsburgh, has resigned with William Satorius succeeding.

Ritter Heads FRC, L.A.—Los Angeles, Oct. 15. W. C. (Bill) Ritter moved in as branch manager for Producers Releasing Corp. here.

Formerly he held similar posts with Columbia and Grand National Pictures in L.A.

Bill Hamrick Vice Strait.—Seattle, Oct. 15. Under the locally managed Hamrick-Evergreen regime, changes of house managers are few and shifts of executives rare. However, a new shuffle this week places Bill Hamrick as manager of Coliseum, with Clyde Strait former manager, becoming assistant. Dan Redden at Paramount, Strait succeeding Marvin Fox, who becomes assistant manager at Coliseum.

Rex, Albion, Neb., Fire.—Lincoln, Neb., Oct. 15. Wally Johnson will rebuild the Plaza in Friend, Neb., starting immediately.

Johnson's deal to sell out Falls City, Neb., for \$65,000 day of jail. It's the last major key in Nebraska, still outside circuit control. Cal Bard and Oscar Hanson, Omaha, trying to buy the building housing the Rialto in Beatrice, Neb. Frank Hollingsworth, who now has the house on a second run basis, scouting for a new location, just in.

Jim Pickett made city manager of Tri-States in Hastings, Neb., replacing Orville Rennie, who resigned to become manager of new radio station KHAS. Louis Nutzman, his former assistant, stays in line, and assumes house managerial duties at the Strand, while Pickett operates the Rivoli.

Al Cohen's Promotion.—Gloversville, N. Y., Oct. 15. Albert Cohen, assistant manager at the Globe theatre for the past year, promoted to manager of Schine's Regent, Geneva, N. Y. Herbert Young, former assistant at the Hippodrome, advanced to the assistant position at the Globe. C. V. Hoffer, formerly with Warner in Altoona, Pa., made manager of the Globe, succeeding Herman Addison, now manager of the State, Cortland, N. Y.

Possel's House.—Philadelphia, Oct. 15. Leo Possel will unshutter his Benner shortly before Xmas.

Mert Mason, Paramount booker, on ballyhoo staff of Villanova College.

Ruth Johnson returned from her honeymoon to be met by her co-workers on the 20th-Fox staff at the Club Ball.

Garbett's Acquisition.—Des Moines, Oct. 15.

Garbett Enterprises has taken over operation of the Grand, Des Moines. E. M. Garbett has formed a partnership with L. H. Kahn, owner of the Grand, who will continue to manage the house. It has been remodeled, with new screen, sound, lighting and a new front.

Garbett now operates five theatres. The other four are the Varsity, Avalon, Lincoln and Forest in Des Moines.

Milwaukee's Newsreel.—Milwaukee, Oct. 15. What is best known as the old Garden theatre, although later named the Little, for an ill-fated foreign and 'class' film policy, is to become Milwaukee's first newsreel house, after having been dark for many months. It will be operated by Lawrence Brown, opening this Saturday (19).

Bob Menches Laid Up.—Akron, Oct. 15.

Robert Menches, manager of the neighborhood Liberty here and formerly head of Akron exhibitors' association, is in St. Thomas hospital for observation after several weeks' illness at home.

Belmont, N. Y., Goes French.—Belmont, on West 48th street, New York, has been leased by French Films Import Co. from S. S. Kreiberg. Company goes into the house as soon as 'Here Is Ireland' run is completed.

Probably will open with 'Heritage' but French Films also has 'Jofroi', 'Le Schoutz' and 'Gold in the Mountains' ready for showing this season.

U. S. Takes the Rap

St. Louis, Oct. 15. The Greenville, a 200-seater and the only house in Greenville, Mo., will be rebuilt a mile from its present location because the town will be many feet under water when the Government completes the Wappello Dam and creates a flood control basin. Grishaber & Bollinger, owners of the house, are negotiating with U. S. agencies for damages occasioned by the loss of their house.

Last week, following a pow-wow between the Greenville Improvement Corp., the Greenville City Council and the U. S. Engineer's Office, the Government dished out \$19,500 to the town to reimburse it for the loss of improved streets and sidewalks.

ON AGAIN, OFF AGAIN PIX CO. SHORTWAVES

Shortwave programs to Latin-American countries, sponsored by major U. S. film companies, is developing into an on-again, off-again proposition. L. P. Yandell, NBC shortwave executive, who fathered the joint industry-shortwave proposal, said recently that the program would start this month, with six and possibly seven major companies paying the freight. But this week, a majority of the eight major companies claimed that approval for the shortwave setup had not been given by the foreign departments. Check reveals that the shortwave broadcasting has been given some approval by studio officials on the Coast. At the same time, it was found that only RKO critically has okayed the setup in the east. Since the shortwave broadcasts must receive the okay of foreign department chiefs in N. Y., the industry-wide project seems to have bogged.

U Spreads 228 Over 3 Picture Locations

Hollywood, Oct. 15. Universal is covering a lot of territory this week, with 228 people scattered on three locations to shoot two pictures.

'Trail of the Vigilantes' has 82 in one unit at Los Angeles and 54 more at Sonora. The 'Riders of Death Valley' company, with a cast and crew of 92, is working at Red Rock Canyon.

Equity-Reds

Continued from page 3.

managers do not regard Lambertson's allegations as having much substance.

It was again inferred that a hearing other than by the congressional committee would be preferable, because of the change of methods employed during Dies' recent hearings, said to be along the lines of star chamber proceedings. Problem is whether an impartial board's decisions would be conclusive unless it could secure the data picked up by Dies investigators, or turned over to that body. It is believed, however, that Dies would agree to lending his files for such purpose, because the committee is reported to have scheduled a number of investigations of more vital importance, such as the activities of reputed Nazi agents and other fifth columnists.

A special Equity committee is working on the proposed amendment to the constitution barring Communists, Nazis and Fascists, by pathizers, from office and employment in the association. Clyde Fillmore, however, resigned from the committee after he had been advised that his activities indicated racial prejudice. He declares insistently that he has no such ideas and explains his withdrawal because of radio commitments. Maide Reade replaced Fillmore on the amendment committee, but he is still on the unemployment committee.

Sentiment around the American Guild of Variety Artists is nearly 100% for an impartial board hearing charges of communism leveled against the talent unions. Hoyt Haddock, national executive secretary, who was named in Lambertson's initial blast, stated Monday (14) that the idea was excellent. He said he would start working immediately to carry it through.

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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Key to Type Abbreviations: M—Melodrama; C—Comedy; CD—Comedy Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical
Figures herewith indicate date of VARIETY's review and running time.

WEEK OF RELEASE—9/30/40			
Peppers in Trouble (Col)	9/18	C	63 E. Fellows-P. Peterson
Boom Town (M-G)	8/7	D	117 C. Gable-S. Tracy
Queen of the Yukon (Mono)		D	83 C. Bickford-L. Rich
Rhythm on the River (Par)	8/21	D	82 E. Crosby-M. Martin
Dance Girl, Dance (RKO)	8/28	D	88 M. O'Hara-L. Hayward
Oklahoma Renegades (Rep)		W	8 R. Livingston-R. Hutton
Young People (20th)	7/11	CD	77 T. Tenen-M. Deakle
Kit Carson (UA)	8/28	W	95 L. Bari-J. Hall
They Drive by Night (WB)	8/7	M	93 G. Rait-A. Sheridan
WEEK OF RELEASE—9/6/40			
Fugitive from Prison Camp (Col)	8/7	M	58 J. Holt-M. Marsh
Mr. Kidnapee Home (M-G)	9/4	RD	78 L. Ayres-L. Barrymore
Up in Air (Mono)		W	87 E. Brown-J. Corbett
Who Is Guilty? (Mono)		RD	6 L. Lyon-B. Blair
Men Against the Sky (RKO)	8/28	RD	73 R. Dix-K. Taylor
Ride, Tenderfoot, Ride (Rep)		W	68 C. Aldrich-S. Burnette
Chan at Wax Museum (20th)	10/2	M	63 S. Toler-S. Yung
Argentine Nights (U)	9/4	MU	72 Ritz Bros.-Andrew Sisters
Calling All Husbands (WB)		C	61 G. Tobias-L. Fairbanks
WEEK OF RELEASE—9/13/40			
Howards of Virginia (Col)	9/4	D	113 C. Grant-M. Scott
Wyoming (M-G)	9/11	W	94 W. Biecy-L. Carillo
The Ape (Mono)		M	60 Boris Karloff
That Gang of Mine (Mono)		RD	69 D. O'Keefe-C. Carleton
Dreaming Out Loud (RKO)	9/18	R	83 M. Lewis-M. Langford
Public Bed No. 1 (20th)	8/28	C	70 G. Murphy-B. Joyce
Stirred Wife (U)	11/1	CD	95 R. Russell-B. Aherne
Leather Fashions (U)	9/21	W	68 C. Aldrich-S. Burnette
No Time for Comedy (WB)	9/11	C	98 J. Stewart-R. Russell
WEEK OF RELEASE—9/20/40			
Before I Hang (Col)	10/2	M	62 B. Karloff-E. Keyes
Haunted House (M-G)	8/7	D	99 R. Montgomery-C. Cummings
That Gang of Mine (Mono)		M	60 Boris Karloff
I Want a Divorce (Par)	9/4	D	91 J. Blondell-D. Powell
Triple Justice (RKO)	10/9	W	63 G. O'Brien-V. Vale
Colorado (Rep)	9/4	W	67 R. G. Hayes
Yesterday's Heroes (20th)		CD	69 R. Stirling-J. Romers
Mummy's Hand (U)	9/25	M	65 D. Folan-P. Moran
Flamingo Cowboy, Ride (Rep)	9/21	W	68 C. Aldrich-S. Burnette
The Westerner (UA)	9/25	W	97 G. Cooper-W. Brennan
City for Conquest (WB)	9/11	D	105 J. Cagney-A. Sheridan
WEEK OF RELEASE—9/27/40			
Angels Over Broadway (Col)	10/9	D	78 D. Fairbanks-Jr.-R. Hayworth
Glamour for Sale (Col)		D	118 A. Louise-R. Pryor
Prairie Schooners (Rep)		W	6 B. Elliott-E. Young
Strike Up the Band (M-G)	9/18	M	115 M. Lewis-M. Langford
Sky Murder (M-G)	9/25	M	71 R. Johnson-W. Pidgeon
Drama of the Desert (Mono)		M	64 L. Gray-R. Byrd
Rangers of Fortune (Par)	9/11	RD	70 F. MacMurray-M. Morison
I'm Still Alive (M-G)	10/2	RD	70 F. MacMurray-M. Morison
Under Texas Skies (Rep)	9/18	W	57 A. Mesquiter-L. Ransom
Brigham Young (20th)	8/28	RD	115 F. McLaughlin-A. Nagel
Spring Parade (U)	10/2	MU	89 D. Ditcher-C. Cummings
East of the River (WB)		M	7 J. Garfield-B. Marshall
WEEK OF RELEASE—10/4/40			
So You Won't Talk (Col)		C	7 J. E. Brown-F. Robinson
Duke (M-G)	10/2	C	67 A. Sothern-L. Hunter
Old Swimmin' Hole (Mono)		C	6 M. M. Jones-J. Moran
Quarterback (Par)	10/2	CD	71 W. Morris-V. Dale
Wagon Train (20th)	9/18	W	72 T. H. Morgan-O. Driscoll
Gay Caballero (20th)	9/25	W	58 C. Romero-S. Ryan
Diamond Frontier (U)	10/9	M	71 V. McLaughlin-A. Nagel
Ku Klux Klan—All American (WB)	10/9	D	97 P. O'Brien-G. Page
WEEK OF RELEASE—10/11/40			
Third Finger, Left Hand (M-G)	10/16	CD	96 M. Loy-M. Douglas
Trailing Double Trouble (Mono)		W	56 C. Corrigan-J. King
Cherokee Strip (Par)	10/2	W	84 R. Dix-V. Jory
Willie Still Proud and Her (RKO)	1/24	C	74 E. Brown-J. Corbett
Melody and Moonlight (Rep)	10/16	CD	73 J. Downs-J. Frazer
Frontier Vengeance (Rep)	10/9	W	57 D. Barry-B. Moran
Down Arrow (20th)	10/9	MU	82 D. Ditcher-C. Cummings
Seven Sinners (U)	10/9	RD	6 M. Dietrich-J. Wayne
Father Is a Prince (WB)		C	6 Mitchell-L. Patrick
WEEK OF RELEASE—10/18/40			
Nobody's Children (Col)		D	6 E. Fellows-L. Wilson
West of Abilene (Col)		D	6 C. Starnett-E. Murphy
Escape (M-G)		N	8 Neather-R. Taylor
Moon Over Burma (Par)	10/16	D	74 D. Lamour-P. Foster
Liddle (RKO)	9/18	D	79 T. Holt-S. Byington
Slightly Tempted (U)		C	60 H. Herbert-P. Moran
Dispatch from Reuters (WB)	9/25	D	89 E. Robinson-E. Best
WEEK OF RELEASE—10/25/40			
Girls Under 21 (Col)		D	7 P. Kelly-R. Hudson
Hullabaloo (M-G)		MU	7 F. Morgan-B. Burke
Phantom of Chinatown (Mono)		C	8 K. Luke
Christmas in July (Par)	9/18	CD	68 D. Powell-E. Drew
Knew What They Wanted (RKO)	10/9	RD	59 C. Laughton-C. Lombard
You'll Find Out (RKO)		CD	90 K. Kyser-H. Parrish
Young Bill Hickok (Rep)	10/2	W	8 R. Rogers-G. Hayes
Great Profile (20th)	8/21	D	79 J. Barrymore-M. B. Hughes
Little Bit of Heaven (U)	10/16	CD	85 G. Jean-H. Herbert
Tugboat Annie Sails Again (WB)		C	8 M. Rambeau-A. Hale
WEEK OF RELEASE—11/1/40			
Blonde Plays Cupid (Col)		C	6 P. Singleton-A. Lake
Little Nellie Kelly (M-G)		C	6 J. G. Murphy-A. Lake
Parsons of Devil's Gap (Mono)		W	73 T. Ritter
Handing on a Dime (Par)	10/16	W	73 G. McDonald-R. Paige
Too Many Girls (RKO)	10/9	M	84 L. Bari-J. Hall
Lili Alibi (RKO)		C	6 Owen-M. Ray
The Killed Aunt Maggie? (Rep)		C	7 J. Hubbard-W. Barrie
I'm Nobody's Sweetheart Now (U)		C	6 M. O'Hara-L. Hayward
South of Sumatra (U)		M	6 A. Arlen-A. Devine
Lady with the Red Hair (WB)		D	6 M. Hopkins-C. Rains
WEEK OF RELEASE—11/8/40			
Bitter Sweet (M-G)		MU	7 J. MacDonald-N. Eddy
Arise My Love (Par)		D	6 J. Colbert-R. Miland
Little Men (RKO)		D	8 K. Francis-J. Oakie
Friendly Neighbors (Rep)		C	7 Weaver Bros. and Elvira
Trail Blazers (Rep)		C	8 R. Livingston-R. Hutton
The Mark of Zorro (20th)		D	7 T. Power-L. Darnell
Freeman, Save My Child (U)		C	8 S. Erwin-U. Merkel
Foxy Post (U)		C	7 J. M. Brown-J. Corbett
Son of Monte Cristo (UA)		D	7 L. Hayward-J. Bennett
Always a Bride (WB)		C	8 R. Lane-G. Reeves
WEEK OF RELEASE—11/15/40			
Lone Wolf Keeps a Date (Col)		M	7 W. William-F. Robinson
Beyond the Sacramento (Col)		W	6 B. Elliott-E. Young
Gallant Sons (M-G)		D	7 J. Cooper-J. Preisser
Three Men from Texas (Par)		W	6 B. Boyd-R. Hayden
Mexican Spiders Out West (RKO)		C	76 L. Verel-L. Darnell
Street of Memories (20th)		C	8 L. Roberts-G. Kibbee
Caribbean Holiday (U)		MU	8 A. Jones-V. Bruce
South of Suz (WB)		D	6 G. Brent-G. Fitzgerald

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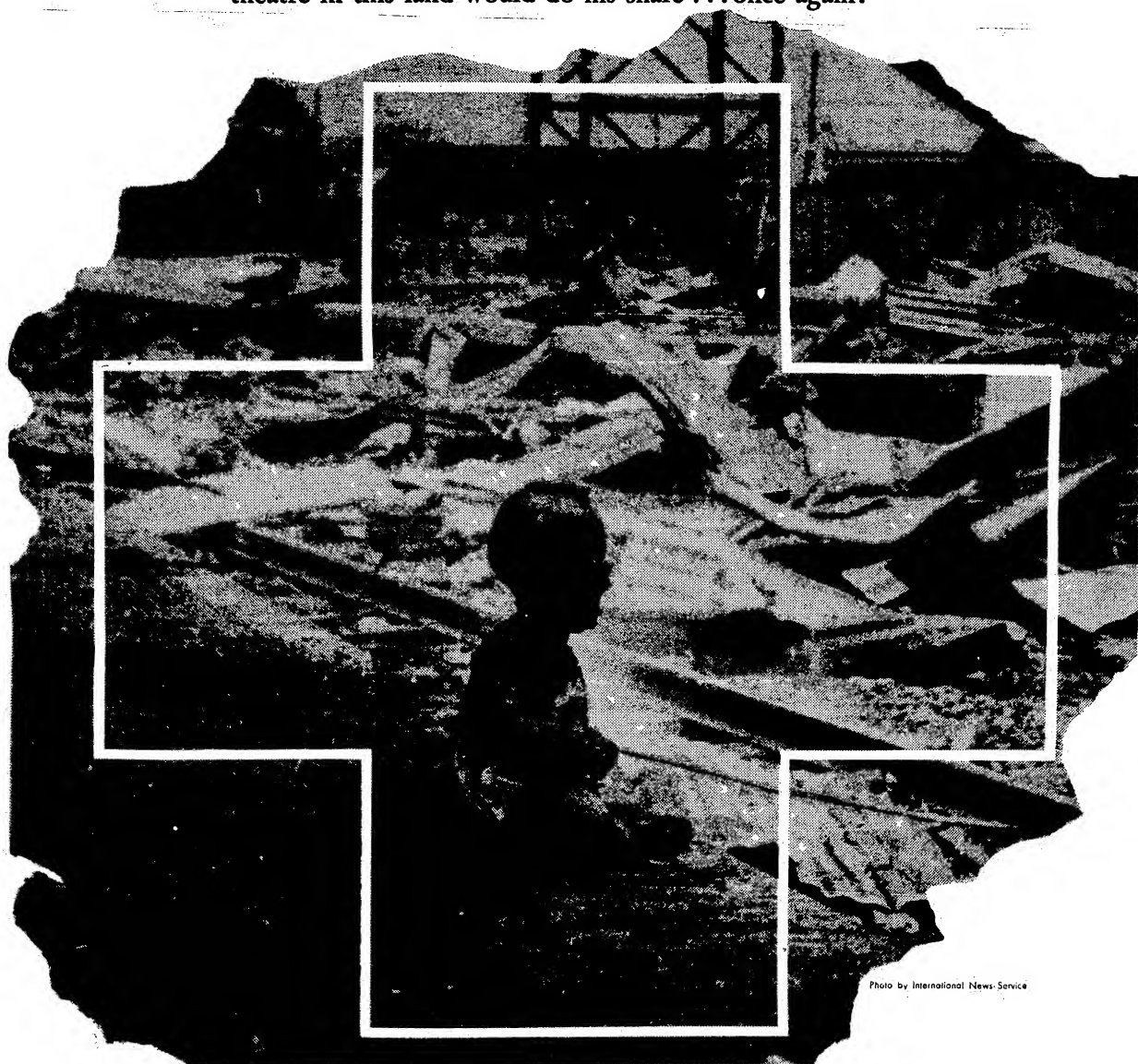


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Mix Earned \$4,000,000

Continued from page 4

entered a personal appearance tour with the Sells-Floto circus, and the Tom Mix Wild West Show, coupled with a vaudeville and European tour which it's said netted him over \$1,000,000. After a couple of years, he returned to pix, but a severe injury after being thrown from his horse soon forced him to retire.

Practically as prominent as Mix was his horse, Tony. It was Tony who, was ridden by Mix in nearly all his pictures, and Tony on whom Mix was astride when he conformed to his press agent's standards and rode through the dining rooms of the Savoy, London, and the Crillon, Paris, among other Continental hostilities.

Mix, who died instantly after his auto overturned near Florence, Ariz., on Saturday (12), had a colorful career outside of show biz. He had been a soldier, law enforcement officer, a trick rider and roper at an early age, and also a Texas Ranger and soldier of fortune before he entered films.

He served with Teddy Roosevelt's Rough Riders in the Spanish-American War, with the American forces in the Boxer Rebellion in China, and also in the Boer War, fighting with the British and taking part in the siege of Ladysmith. Upon returning to the United States he became a law enforcement officer in Kansas, Oklahoma and Texas at a time when the frontier spirit of what had been called 'the old west' still flourished.

All told, Mix appeared in nearly 400 films over a period of about 24 years. Beginning in 1910, he actually attained his greatest success with Fox.

He was married three times, his first two wives each of whom bore him a daughter, divorcing him, his third was Mabel Hubbard Ward, an aerialist with the Sells-Floto circus.

Final Films for U

Hollywood, Oct. 15.

Tom Mix's last starring pictures were made for Universal in 1932-33, a total of eight. He then organized his own circus for tour, having had previous experience in the circus biz a few years earlier as starring attraction for the Sells-Floto tent.

Mix had been washed out of his long association as a western star for Fox Film (13 years) in 1929 by the advent of talkers, which hit most of the cowboy stars hard on every major lot for a couple of years. About 1936, there were hot negotiations for Mix to come back into pictures, to star in a series of westerns for RKO, but the parties could not get together on coin.

Mix, from his earliest days in pictures, resented those western stars of the films who had not been cowboys or riders previously. He tabbed this group 'strutting stage actors' and never missed a chance to ridicule them.

Despite his top salary with Fox Films over the long years, Mix always mixed with the cowboys and riders of his troupes rather than with the big shots, and he was always going to the bat for one of the boys. Mix always performed his own riding stunts, falls, etc., in the early days—and as a result was continually in splints. His fractures included arms, legs, ribs, feet, hands—in fact it was stated at one time half of the bones in his body had been cracked at one time or another, despite attempts of the studios to prevent him from continuing his hazardous stunts for pictures.

From 1918 to 1923, Mix's 8-10 pictures a year for Fox carried the entire burden of that company's product.

From the 1925 'Variety' Files

Variety's news story at the time of Mix's \$2,000,000 contract in part: 'It has been recognized for some time in inside film circles that Tom Mix, start of western pictures, was rapidly forging to the front of all male film draws. In his particular line Mix has been so far ahead of other westerners there has been no comparison in stars or productions.

'As the Fox peer, the Mix pictures 'em to the stars, and the exhibitors playing them as the most reliable of all of the program features. Of late the Mix draw has been widening and Fox is steadily adding new business for the Mix releases.

'Mix's latest Fox release is 'The Deadwood Coach'.

Top Straight Salary

'The Tom Mix reported salary is the highest straightaway salary ever recorded in picture work. Guarantees

less under a percentage arrangement may have equaled Mix's salary for one year under this new agreement, or possibly with stars of the magnitude of Mary Pickford, exceeded it under the percentage arrangement, but nothing approximating \$20,000 weekly in salary for actual work ever has before been touched upon in a contract. Computing gross salary and a year's full weeks, Mix's salary income would still be \$667,000.

Chaplin's \$10,000 Salary

'Years ago, when VARIETY exclusively reported that Charlie Chaplin had signed a contract for \$10,000 weekly with the Mutual (defunct) (with Kessel & Bauman as the makers of the contract with the comedian), this paper received an avalanche of abuse, mostly from newspapermen, for 'printing a wild pipe like that'.

'That figure was so astounding in that the Vauxhall had withheld the story for two weeks, disbelieving the first account itself, until procuring positive confirmation.

'VARIETY was accused through the publication of the Chaplin story of an attempt to incite unrest among picture actors and to excite the public into making a gold rush for picture acting.

'Chaplin had fulfilled his contract with Mutual almost before it came to be generally accepted, his \$10,000 weekly salary for 52 weeks had been a reality.

'Following huge salaries in pictures, generally under guarantees, were not so uncommon, although inflated amounts were employed as medium to exploit stars who received much less than mentioned by their press agent.

\$5,000,000 Film Production

'While Douglas Fairbanks was making 'The Thief of Bagdad,' said to have cost \$1,600,000 in the production, it was reported that Fairbanks, in his independent picture making, had not charged against the investment any salary for his own services. His picture value, in salary at that time was placed at \$20,000 a week and the cost of 'Thief' would have been well over \$2,000,000 had Fairbanks' salary been included. (Alexander Korda's soon-to-be-released technicolor production of

(The following, from the issue Dec. 2, 1925, is a sample of Tom Mix's 'cub' reporting.)

Fresh Critic—That Tom Mix!

(Reviewing vaudeville bill at Orpheum, Los Angeles)

(Second review kindly written by Mr. Mix, upon request by and for VARIETY.)

By TOM MIX

Los Angeles, Nov. 26.

I'm getting to be a regular Orpheum patron these days, paying special attention to the acrobatic acts. You see, I've moved into my new mansion in Beverly Hills, where there are 40-foot ceilings and some wonderful wrought iron chandeliers.

My education for parlor entertainment has been sadly neglected. I used to sing bass in a quartet before the 18th Amendment. One day during a 'Sweet Adeline' number, a bird took a shot at me and put some of my vocal chords out of commission, so the singing is out.

If I can pick up a few nice acrobatic stunts swinging from those chandeliers in my house it would help entertain the guests who flock to my new place.

The Orpheum bill is pretty good this week. Carlton Emmy's dog act, which opens the bill, is excellent. When I saw that those dogs can do it, made me feel dumb. Another thing, when I saw what dogs can be taught to do, I can't understand why we still have so many dumb automobile drivers out here in California.

Seymour and Jeanette are a couple of colored people who strut quite considerably. It's a wonder some of the society people here in Los Angeles don't rope 'em and drag 'em to their homes to teach them how to do this Charleston stuff, for they sure strut it fine.

Alma Neilson has a swell act but the thing about it I liked was the burnt orange skirt she wore. I've seen the day I would have run a good horse down to capture her and that burnt orange skirt. All my life I've had a burning ambition to own a burnt orange plush skirt and that skirt would have fixed it up fine.

When I saw Lily Morris, all I needed to make me think I was in

SETTOS WINS IN TWO DISSOLUTION SUITS

Louisville, Oct. 15.

A suit seeking dissolution of partnership, operating as Settos Theatres, owners of two houses in Shelbyville, Ky., the Vogue in St. Matthews and houses in Indiana, was dismissed as settled in Jefferson circuit court. Plaintiff in the petition, William Rosenthal, Indianapolis, named his partners, George Settos, Indianapolis, and Frank M. Krapp, LaJolla, Calif., defendants in the action, which also sought an accounting from Settos of funds and assets of the firm allegedly appropriated to his own use.

Was reported from Indianapolis that a similar suit filed by Rosenthal there was dismissed. Both suits were filed Friday (4).

Select's Eight Pix

Hollywood, Oct. 15.

Group of eight pictures, to be released at intervals of six weeks, is the 1940-41 program of Select Attractions, Inc., with George Herlihan producing.

'Adolescence,' first of the eight, is completed and ready for distribution Nov. 1. Second will be 'The Lady and the Tigress.' Louis Gasnier directs.

'Thief of Bagdad' is placed at \$2,000,000.—Ed.]

The most expensive picture production ever turned out will be Metro-Goldwyn's 'Ben-Hur,' at a figure VARIETY also has withheld through realizing such a story would find little credence. 'Ben-Hur,' first started by Goldwyn and taken over by Metro-Goldwyn (at the merger) will represent over \$4,000,000 upon completion—nearer \$5,000,000, in fact.

The amount, however, has not been poured into it designedly. A very large portion of the investment became obligatory through unavoidable conditions.

'Cub' Reporter

One of Mix's most proud acknowledgments was his 'cub' reporting for VARIETY. Mix frequently wrote for VARIETY as a roving correspondent.

Lefty, Jr., in H'wood on a \$75 Termer; Aggie Don't Like Producer Already

By Joe Laurie, Jr.

Hollywood, Oct. 15.

My dear Lefty:

Junior and me arrived in Hollywood okay. He behaved himself very well on the trip considering that he's never traveled much on trains. He bothered very few people. But he was so cute about it I don't think they minded it much. He certainly didn't act like a lot of theatrical kids we used to travel with. 'Remember Collins' kid that used to go over to all the acts on the train when we were making a jump and say 'You stink'? Well, Junior certainly has a better bringing up than that, and besides there weren't any acts on the train with us.

Paul Gerard Smith and his wife, Alice, met us at the depot and insisted we live with them until we get set. They sure are a great couple, the kind that speak our language, only better. Paul is doing some swell story writing for Universal; they're just getting wise to the guy that he's a genius. He was a genius when he wrote those swell vaudeville acts and shows, now he is a double genius. I wanted to stop at a swell hotel to kinda put on a front, but Paul sed, 'Stopping at a good hotel is the finest ad for poverty, picturesque poverty. The money guys stop at boarding houses and small apartments.' So I think we'll use a shower bath instead of a swimming pool for awhile to see what happens.

I had an appointment with Mr. McNamara, the director, for 9 a.m. so we got there at 8 as I don't like to be unprompt. He showed up at 10. He is so different than he was at Coolidges; now he is full of business instead of rye. He greeted me in a cool but nice sort of a way, pinched Junior's cheek and asked about you. He had a contract all made out without even askin me what I wanted. It was for \$75 a week, which is a lot of dough when you figure it out you'd have to have 10 sons in the army to get that kinda dough. Of course, it's nowhere near the \$1,000 a week I expected and which I know Junior is worth to them, but Paul told me a yes in Hollywood is positive and a no negative and for me to always be positive. So I was positive and sed it's okay with me, and signed it. Now it's gotta go to court for me to be the legal guardian, etc.; they do that so the parents of kid actors don't grab all the dough and give the kids writeups and stills as their share when they grow up. I told Mr. McNamara that me and you decided to put all the dough the kid earns in a bank in his own name, as we don't want any of it. He laughed and said, 'There comes a time in every Exhibitor's life where he starts shaking the baby's bank.'

Then he had me meet the producer. You know a producer don't meet you, he estimates you, so I was glad I had my good clothes on. He looked at me with his eyes that looked like the eyes on a tiger rug and sed that they had strict rules for mothers not to hang around when they're shooting a picture, that they have a special place for stage mothers. He musta seen a funny gleam in my eye, so he quickly sed, 'No, Mrs. O'Connor, a much nicer place than that, and he smiled like a wet goat. So I smiled, too, and sed it was okay for me as I was only there to see that Junior did his work right, me being an old performer know how great the kid really was. He gave me another one of his fish-eye looks and called it an interview. I don't think I'm gonna like him.

A Juvenile With Teeth

Junior is nuts about the place and already has nearly everybody's autograph. He especially likes a nice young feller on the lot whom the studio is building up. He's a juvenile, a juvenile with teeth, believe it or not. His name is Chic Lindsay and is very nice. I also met Solly Violinsky, who wished us luck. He said he came to Hollywood as a kid actor, but now he has a heavy beard, the only kid actor with a heavy beard. There are lots of kids gonna be in the picture, but so far I ain't met any of 'em or the studio. I certainly hope they ain't the regular stage mothers that will get jealous of Junior who, no doubt, will steal the picture and be a Mickey Rooney in a very short time.

Take care of yourself, you'll find plenty of clean underwear in the top drawer, and don't eat any fried food, and don't get lonesome, as I know when you get too lonesome you get thirsty with it. Love and kisses to you from Junior and

Your lovin' wife,

AGGIE.

P.S.—Dudley Digges sez, 'One thing good about conscripting it will take some of the boys that do jitterbug dancing.'

PITT VARIETY CLUB'S BIG SHINDIG SAT. (20)

Pittsburgh, Oct. 15.

Pittsburgh's biggest show biz affair, annual Variety Club banquet, comes off Sunday night (20) and will attract more than 1,000 biggie biggies from both coasts. Couple of special cars coming in from New York Saturday will carry sales execs and stars, with delegation from Coast due in same day. Shindig has been a sellout for several weeks, with \$11 tickets already at a premium.

All-star show now being booked in New York by John H. Harris, perennial general chairman of Variety Club's local blowout, and roster expected to include Eddie Cantor and Olsen and Johnson. Set for speakers table are Jimmy Roosevelt, Attorney General McGraw of Texas, Bill McKee, manager of world champion Cincinnati Reds, and Charles Laughton, who's coming in day before for day of personals at Penn theatre.

Festivities get under way Saturday afternoon at Stadium, where Pitt and Fordham will meet in their annual football clash, and will continue with pre-banquet get-together in Variety Club's William Penn hotel rooms that night and a cocktail party at same spot Sunday afternoon.

Pittsburgh Tent is No. 1 among Variety Clubs of America, which now number more than 20 charities organization having been founded here in 1926 by Harris and a group of five other showmen. Club's charities annually include adoption of an orphan baby and raising of between \$25,000 and \$50,000 milk fund.

Banquet will also mark installation of 1941 officers, who were elected at weekly meeting last Monday.

List includes C. C. Kellenberg, 20th-Fox, chief baker; Burtis Bishop, Jr., M-G, first assistant, and Mike Shapiro, indie exhib, second assistant; Mort England, dough guy; Al Weiblinger, sec'y, and Brian McDonald, James Balmer, Mike Gallagher, Tony Stern, M. A. Rosenberg and I. Elmer Ecker, board of directors, Jimmy Tolman and Harry Thomas were named delegates to convention in Atlantic City next spring.

Philly's Shindig Dec. 12

Philadelphia, Oct. 15.

Plans for the annual Variety Club banquet calls for the dinner will be held Dec. 12 at the Bellevue-Stratford. Chairman of the event is Jack Beresin. Others on the committee are David E. Wesner, James P. Clark, Ted Schlanger, Louis Krouse, Charles Goodwin, Hilary Brown, Sam Stiefel, Earle Schweigert, Everett Callow, Ben Fertel, Milton Roganser, Bill MacAvoy, E. C. Wilschke, Sidney Samuelson, Clinton Weyer, Paul Greenlagh and Dr. J. A. Ritter.

Kaplan Back as Exhib

Santa Barbara, Cal., Oct. 15.

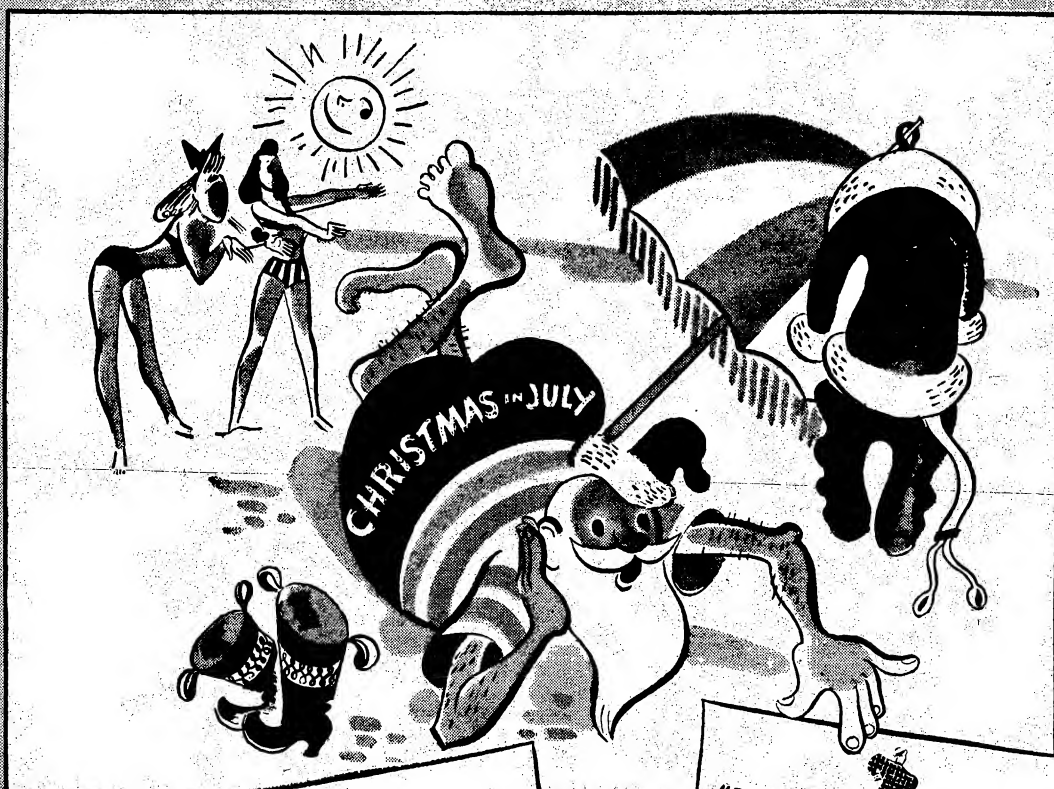
Louis Kaplan, film theatre chain operator who sold his string to Warner in 1930, is re-entering the show business with a new film house here. Construction of his theatre started yesterday (Mon.) and is slated for completion in 60 days.

EDELMAN DRAWS 'SWAN'

Hollywood, Oct. 15.

Lou Edelman was handed the associate producer job on 'The Black Swan,' Rafael Sabatini story bought by 20th-Fox as a Tyrone Power starrer.

It's the fifth production on Edelman's schedule for 1940-41.



P.S. RAVES FOR "CHRISTMAS IN JULY"!

"Preston Sturges follows up 'The Great McGinty' with another bright, crisp and refreshing entertainment... capable of standing sturdily against all competition!"
—Daily Variety

"A more satisfying picture than 'The Great McGinty' and a ten-strike for Sturges as a writer-director!"
—Hollywood Reporter

"In view of the record for entertainment established by Preston Sturges and Paul Jones, the first step of showmen exploiting this film is to say that it is another from the same source!"
—M. P. Daily

"Something worth cheering about. One of the brightest, warmest and most entertaining vehicles in many months... going to account for itself as nobly as many a super-special at the boxoffice!"
—Boxoffice

"Heart interest, comedy, satire and romance skillfully blended into film treat certain to click at box office!"
—Film Daily

"Preston Sturges and Paul Jones exercise with different material the talents accountable for the remarkable success of 'The Great McGinty' and obtain an equivalently effective entertainment!"
—M. P. Daily

"Another genuine 'sleeper'... a surprise hit!"
—Wade Nichols, Screen Guide

"Mr. Sturges is 'the hottest guy in town.' He made the wise guys sit up and take notice of his 'McGinty.' He's done it again with 'Christmas in July'!"
—Jimmy Starr, L. A. Herald-Express

"Ought to cinch Sturges' fame as one of the foremost purveyors of pure entertainment in the movie business!"
—Harry Mines, L. A. News

"THE GREAT McGINTY"

Dear Santa:
What goes on?
You're topping all
my laughs...you
pack a wallop like
Popeye... and you
even out-Oomph
the Oomph man.
And besides, what
are you doing in
town in July?

Jealously
McGinty

P.S. stands for
Preston Sturges and
Paramount Smash!

Dick Powell • Ellen Drew • "CHRISTMAS IN JULY"

Raymond Walburn • William Demarest • Ernest Truex • Written and Directed by PRESTON STURGES • A Paramount Picture



Wage-Hour Rulings

Continued from page 5

that will have to be worked out by subsequent conferences. Talent obviously comes under the law (along with chief cameramen, top technicians, some flacks, film salesmen, and miscellaneous workers. Strings are hitched, however, to the revised standards so that many who at first glance would be taken from under the federal tent still are protected.

In general, white collar people drawing \$200 a month and exercising any substantial degree of initiative judgment no longer can demand added pay if they put in more than 40 hours weekly (after Oct. 24). Definition of "executives" has been changed only slightly, as far as the film business is concerned. The specifications for both "administrative" and "professional" employees are circumscribed.

Stein's Report

In his report digesting evidence collected at long summer hearings, Deputy Administrator Harold Stein warned against lowering the bars to the point where exploitation would occur. He remarked that many instances, the white collar help deserved protection more than manual labor which often is more highly unionized and therefore better able to look out for itself.

Principal changes: (1) provision that executives may devote not more than 20% of the time—8 hours weekly—doing the same chores as their underlings; (2) specification that a professional is a person doing intellectual work who has received specialized training and is creative; (3) scrapping of requirement that a salesman must transfer title to something, either tangible or intangible, so that solicitors come under this classification and are exempt; (4) exclusion of non-manual workers who, while not supervising others, are expected to use discretion and make their own decision; and (5) including among executives any individual (getting \$30 a week) in sole charge of an independent establishment or separate branch.

Newspapers, Radio and Pix. All writers, scribes, cartoonists, musicians and performers are not automatically removed from the statute. The Stein report thus was a partial disappointment to newspaper publishers, broadcasters, film producers, and others. For example, rewrite men on press service or newspaper editorial staffs still are entitled to extra pay or compensatory time off; so are the many publicity department staffers.

Discussing the picture business, Stein said:

"One of these (classification difficulties) concerns the so-called key members of a shooting unit in the moving picture industry. The key members include, for example, the first and second cameramen, the standby prop makers, the makeup artists, the hairdressers, the standby gaffers, the script girl, best boy, and many others. The first cameraman might well be exempt as an executive or administrative employee. He himself performs no manual labor and merely directs the general process of photography. The second cameraman may well be a professional employee, as the term is defined below. However, in all or almost all the other instances the persons employed are craftsmen and are typically members of such unions as the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators, the Brotherhood of Painters, Decorators, and Paperhangers of America, and so forth. Moreover, when performing identical work, but not within the shooting group, they are treated like the other craftsmen of the industry and are paid overtime for overtime work. Though the hourly pay of most of these employees is extremely high in comparison with most other industries, that fact in itself does not and cannot qualify them for exemption as 'administrative employees'."

His remarks on "Professionals" pointed out that the original interpretations did not take into consideration acting or music and during the past 18 months the Division has made its position entirely clear as to the applicability of the exemption to such workers. Previously a professional was one who dictated the "manner and time of performance." In place of this qualification, the rule says a professional does work "requiring the consistent exercise of discretion and judgment in its performance," besides being

unique and irreplaceable. The fitness test also involves:

"Knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from 'an apprenticeship' and training in the performance of routine mental, manual, or physical processes; or predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by person endowed with general manual or intellectual ability and training, and the result of which depends primarily upon the inventive imagination or talent of the employee."

Musicians, Newsmen

These conditions mean that journeymen musicians cannot be worked more than 40 hours without getting time and a half. Soloists and other featured performers unquestionably would be "professional," but not tuners who only automatically play whatever notes are placed in front of them. The same with the average flack or reporter who does little but follow instructions. Stein remarked in his report that "musicians, composers, conductors, soloists, all are engaged in original and creative work within the sense of this definition, but pointed out by way of illustration that there is a difference between the amount of originality and initiative required of a cartoonist and that shown by a film animator. Scenario writers who pick their own subjects would be exempt, but the average city room typewriter chauffeur would not."

Jukeboxes

Continued from page 4

jobber plants—it also is pointed out that such things tend to spread and a town full of mechanics can come up with plenty of imitators.

Thus far, the police have been unable to detect a single person passing the slugs into the machines although an estimated \$12,000 worth went through in one week.

Warren Ayers, agent for one of the elgareet companies—which are the hardest hit since their margin of profit is less on a 10c pack these war tax days—has enlisted both police and the prosecutor's staff in the investigation.

Even the Federal Bureau of Investigation has started looking into the counterfeiting of the food of small coins in Detroit but, like the police, report that nothing can be done unless the slug-makers or passers can be caught red-handed.

James Roosevelt will be in New York from the Coast at the end of this week to attend the eastern unveiling of the jukebox for which he is making the pictures. Fred Mills, manufacturer of the machines, will also be in from Chicago.

Debut of the "Mills Panorama Movie Machine and Soundies," as the producer tags them, will be at the Waldorf-Astoria, N. Y., next Monday (21). Reps. of the press, theatrical, radio and music fields have been sent invites.

Similar preview was held on the Coast several weeks ago.

Chaplin

Continued from page 4

particularly suits him. He recently bought a book called "Regency" and wants to produce that with Paulette Goddard starred and, if obtainable, with Charles Laughton opposite her. This being drama, Chaplin will act as producer only. He is working on an adaptation and has done around 60 pages on the book. It will be the first time that Chaplin has gone outside to purchase material rights.

For himself he has been working on a comedy called "The White Rascal." This may be his next, but meantime he may turn out some shorts of the "baggy trousers" type and purely in the slapstick vein. Chaplin arrived in New York Saturday (12) by plane; his first trip in the air, and states that for the next two or three months he "wants to play, see the shows, take the fun, and then have a good time." It's his first trip east in 10 years.

"After all, I go along as I feel," he commented, adding that "that's the luxury of being independent. Also,

I work very slowly and it seems to me in the most difficult way."

Chaplin revealed that it was Alexander Korda who first suggested he do a picture on a dictator. Though later getting very enthusiastic about the idea, it wasn't until Konrad Bercovici had subsequently urged the comedian to satirize dictatorship that he went to work on it. Chaplin wrote the script in four months. It took him six weeks to write the speech which, on the screen, lasts but six minutes, he confessed.

The No. 1 comic of the world said that while he has received some crank letters about "Dictator," he doesn't anticipate any censor trouble nor are diplomatic protests likely, in his opinion. Restricted foreign market on the film, however, may include portions of South America according to some talk he has heard, Chaplin asserted. He added that he isn't being bothered about the possibility of any diplomatic protests but if anything comes up in that connection he is ready to put up a fight.

Chaplin stated that he might release "Gold Rush," which he recently looked at and possibly one or two others. "Rush" was a silent released in 1925.

Pix Deals

Continued from page 1

production quality is to be maintained.

"M-G deals with the individual exhibitor," said Flynn. "It endeavors to solve his own individual problems and straighten out any disagreements with him."

Even in territories still complaining about depressed conditions, good pictures continue to do big business, Flynn said.

Mutual's Deals

Detroit, Oct. 15.

Deals for all its upstate houses have been completed by Mutual Theatres, booking combine. According to Raymond E. Moon, manager of Mutual, the deals were made with all eight majors as well as Monogram and Republic.

In the Detroit area the combine has completed its contracts with 20th Century-Fox and has closed on several deals with Warners.

Metro's 3 Into Music Hall. Metro has closed deals with the Music Hall, N. Y., for first-run New York engagements on three of its top-bracket films, "Escape," "Philadelphia Story" and "Bitter Sweet." First of trio to come in will be "Escape," scheduled for early in November.

Deals made possible as a result of "Dictator" taking over the Capitol, Metro's N. Y. show-window for an indefinite run.

Republic has closed with a 1940-41 product deal with Fox Midwest, which operates in the Kansas City area. Jimmy Grainger, Rep's sales head, and Robert W. Withers, K. C. franchise holder, acted for the distributor, Elmer Rhoden, and Lon Cox representing F.M.

Barrymore

Continued from page 3

Paramount picture deal at \$20,000 a picture (\$5,000 a week for four weeks). Latter choice isn't until June, which should leave Barrymore clear for the legit tour, to which he is obligated on a run-of-the-play commitment.

Aldrich & Myers, Katherine Turney and Jerry Horwin, latter the authors of "Children," still have a possible legal action in mind against Barrymore and 20th-Fox because of "Great Profile."

Figured that Barrymore will agree to resume in "Children" because he owns 50% of the picture rights which have not been sold but which would be enhanced by his reappearance. If he resumes stage appearances, Aldrich & Myers will cancel the \$15,000 settlement on them by Barrymore, calling for \$5,000 from his first film and the balance from the next.

Referee's Decision

Hollywood, Oct. 15.

John Barrymore is worth more to his creditors in pictures than he would be the stage, under a ruling by Ernest R. Utley, referee in bankruptcy, who recently has been studying boxoffice returns.

Decision means that Barrymore cancels his stage tour with "My Dear Children" to take a four-week job with Universal at \$5,000 a week. Of this sum, \$5,000 will be paid to the legit producers, and \$10,000 more from the proceeds of later picture jobs, to settle their \$15,000 claims.

Election Stalls Decree

Continued from page 1

non-industry arbitrators, despite their desire to be impartial and just, might make irreparable decisions unless the limits of evidence and complaints were strictly defined.

To meet these objections, few of which were seen by attorneys in the course of discussions through the summer, is the reason for the current conferences and consequent further delays.

Under the terms of the decree there are six types and "kinds of complaints which are subject to arbitration. They include:

1. Controversies arising out of a complaint by an exhibitor that the leasing of one group of features was conditioned upon the leasing of another feature or group of features, or the leasing of shorts or foreign-made films. If the complaint is sustained, the award is limited to a cancelling of the films without obligation.

2. Distributors may put before an arbitrator the claim of an exhibitor that latter refuses to run film which is objectionable on moral, religious or racial grounds.

3. Controversies arising over exhibitor claims that a distributor has refused to provide films for some run. This category of arbitrable complaints is the distributors' greatest concern and directly affects many existing local situations where, distributors believe, neither the population of the towns nor the type of secondary theatre warrants more than one run of the pictures. Some substantial changes for the protection of runs already established are being worked out in this connection.

4. Clearance disputes. An unending industry headache. Latest conferences are developing machinery for appeals from local clearance decisions with the acceptance of the principle that modifications of decisions may be speedy.

5. Disputes arising over the alleged withholding of available prints to the disadvantage of an independent exhibitor.

6. Discriminatory selling. Here, again, the language of the decree is being clarified, as within this category resides the most important concessions won by the Government from the film companies. This section also contains the restrictions against circuit selling to the detriment of independent exhibitors. Pointed out during the week that unless the power of the arbitrators is clearly defined the whole structure of distribution might be upset. Appeals to be made easier from decisions under this section.

Reported that neither Government nor defendants during the week conferred on the status of Columbia, Universal and United Artists, the three defendant companies which have refused to sign the consent decree. As soon as the decree is signed, an anti-trust complaint will be filed against the three, according to one of Arnold's aides.

Because of the delicate situation in which the proceedings have now progressed neither Government nor industry principals in the discussions have made any detailed statement of the causes for the current delays. On the contrary, it was declared that both sides had left to the last the matter of arbitration details. Under the drafted decree all disputes arising between exhibitors and film exchanges are to be handled by the American Arbitration Society, which has the full and exclusive authority to set up the machinery for handling complaints, including the establishment of branch offices in the change cities, to employ local secretaries and disperse the necessary funds to carry on the operations.

Major cost of the operations will be met by the film companies that will be assessed on a percentage of their film rentals. Other source of income will be the minimum filing fees to be paid by protesting exhibitors at the time that complaints are made.

Michigan Exhibitors

'Deplorable' the Decree

Detroit, Oct. 15.

Protesting that none of the deplorable conditions the Neely Bill was expected to have been remedied, Cooperative Theatres of Michigan, representing more than 100 independents in Michigan, is appealing to the House of Representatives Committee on Foreign and

Interstate Commerce on the recent decree. They also sent a letter to Thurman W. Arnold, assistant Attorney General and filed objections with Judge Henry M. Goddard.

"All efforts of independent exhibitors opposed to the Neely Bill at hearings before your committee last spring, the group informed the Congressional body, 'will be of no avail if Judge Goddard accepts and agrees to a 'consent' decree. Your committee knows that this consent decree further freezes those evils the independent faces, adds additional burdens and relieves him of none of the deplorable conditions the Neely bill was expected to cure."

"We would appreciate your letting Messrs. Jackson and Arnold know how you feel toward this unjust procedure of not considering the exhibitors in the making of the terms of a decree. We feel this assistance from you is the last straw to preserve our independent enterprises."

Kuykendall

Continued from page 1

shows there with the boys, and we lost business instead of gaining."

Kuykendall said he is "deeply concerned" with nickel-in-the-slot movies because "they will not stop where it was first announced, with shorts, but are moving ahead with plans for longer features, 10 and 15 minutes, with stars, that we have established."

"I don't know how far this will go, but we must think of some plan to prevent losing business to them unfairly," he said.

President R. X. Williams, of Oxford, Miss., presided at all sessions. Other speakers included: John C. Flynn (VARIETY), Claude F. Lee, Paramount; H. M. Richey, Loew's; Y. Frank Freeman, Paramount production chief; William G. Formby of Boxoffice and M. A. Lightman.

Visiting exhibitors were guests at screenings Sunday and at a luncheon given by the local exchanges and equipment companies Monday. Sessions closed with the annual banquet and dance last night (Tuesday).

After hearing the consent decree further castigated by other speakers, including Y. Frank Freeman, studio chief at Paramount, which is a party to the agreement, the mid-Dixie exhibitors voted a unanimous petition to the Dept. of Justice to disapprove the decree.

The resolution particularly attacked the five-picture block provision and described the whole agreement as an added expense and burden to the entire industry, an experiment that cannot fulfill its purpose.


"I have no sympathy with Government regulation as proposed in the consent decree," Freeman said. "Although my company has agreed to accept it, I am personally opposed to it. I regard this as the first step signed and becomes law. I wonder what the next step will be. It is too bad for us that we could not have worked out regulation within ourselves."

Freeman called the double feature "the greatest evil that has crept into the business," promised no less in picture quality despite the foreign market loss, and predicted a reduction in the number of features made annually "because the economic situation will force that to come about."

John C. Flynn (VARIETY) pointed out the wonderful opportunity exhibitor organizations will have to be of service when the decree goes into effect. He said the MPTO could provide exhibitor information service on previews, thus lessening the difficulties involved in the advance screening provisions and might arrange cooperative buying of product.


R. X. Williams, of Oxford, Miss., was reelected president of the officers chosen were: M. A. Lightman, chairman of the board of directors; R. B. Cox, Batesville, v.p. for Mississippi; L. F. Haven, Forest City, v.p. for Arkansas; W. F. Ruffin, Covington, v.p. for Tennessee; and W. S. Tyson, Water Valley, Miss., secretary-treasurer.

Other members of the new board of directors are: From Arkansas, W. L. Landers, Batesville; K. K. King, Seaford; O. M. McCutcheon, Blytheville; M. S. McCord and O. P. Wrenn, Little Rock; Sidney Wharton, Warren; from Mississippi, A. Rush, Hush, W. S. Taylor, Leland; Grady Cook, Pontotoc; from Tennessee, Dave Flexer, Hixson; from West, all of Memphis.



EYES

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Two reels of thrill-packed entertainment! "Eyes of the Navy"! Remember how "The Flag Speaks" clicked with your delighted patrons! Here's another sockeroo!

It's a full, factual, heart-reassuring "report to the public" on a vital subject: America's coming supremacy in the air! Pilot training, air-fighting, the Navy's Armada!

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PATRIOTIC, PULSE-POUNDING, PROFITABLE!

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"DOWN ARGENTINE WAY"

TREME

Typical! Philadelphia . . . doing "Jesse James"
business! *Portland, Ore.* . . . beating "Kentucky" 2 to 1!
Albany . . . pressing "Alexander's Ragtime Band"
record! *Milwaukee (day-and-date)* . . . tops every-
thing! *Seattle* . . . every day \$300 bigger than the
day before! *Chicago* . . . new week-end record!

WE KNOW OURS

**-IN THOSE 170
CITIES THAT KEY
THE NATION!**

**20th
CENTURY
FOX**

CBS OPENS CASE AGAINST CONTIGUOUS DISCOUNTS AND MAY SOON ABOLISH THEM

P&G Put System Across Against Protests—Affiliates Are Chief Complainers—Quarter-Hour Rates May Be Fixed at Set Price

Movement to abolish the contiguous rate for quarter-hour programs may follow discussions now taking place within the Columbia Broadcasting System. Subject has already been taken up with several ad agency executives. The network has during these informal talks submitted to the agency men figures showing that CBS compensation contracts with its affiliate stations make the further granting of the contiguous program rate unprofitable, if not a losing proposition. It is understood that should CBS decide to eliminate the contiguous rate NBC will follow suit.

The plan whereby accounts using four quarter-hour programs one after the other obtained an hourly rate was introduced by NBC at Procter & Gamble's behest about four years ago. The proposal was bitterly fought within the NBC organization, but P. & G. had its way.

Now Columbia finds that the pendulum must swing the other way. While the rate card designates the price of a single quarter hour as 40% of the hourly rate, under the contiguous one sponsor rate, the work gets out at 25% of the hourly rate. Affiliated stations are collecting as high as 37% of the card rate for their end of network sales, with the result that when the web balances its books in the case of contiguous rate business it finds that it's close to or into the debit side.

Affiliated stations themselves have had a lot to say about the contiguous rate practice. They have pointed out that the networks have been lax about holding accounts to the contiguous arrangement of programs and instead have in numerous cases granted this special rate to a sponsor who has had his quarter-hour programs scattered all over the schedule. CBS admits now that there was a lot of loose thinking when the contiguous rate was inaugurated and that the evils and nuisances that it created have come home to roost. The situation has been a source of much burning up for local stations, particularly around baseball time. In order to clear for play-by-play broadcasts, these stations because of the contiguous rate obligations on the part of the networks, have been compelled to eliminate local commercials or spot programs.

Plan which CBS would like to introduce, at least, for a beginning, on its owned and operated stations, is a single quarter-hour rate, with the same price prevailing per quarter hour, regardless of the number of such periods used a day by an advertiser. Agency men consulted by Columbia have been impressed with the networks' points of view on the subject, but at the same time there has been much speculation among them as to the effect the revision of the rate would have on their clients' bankrolls. The agency men estimate that the elimination of the contiguous rate would mean a rate increase of 60% on each quarter-hour and 16.2-3% on the hour.

WGN OPENS CONCERT BUREAU IN NEW YORK

Chicago, Oct. 15. WGN Concert Bureau is to open its New York office Nov. 1 with a talent list including at least a half-dozen Metropolitan Opera singers and several instrumentalists. Understood, Red Campbell, assistant executive-secretary of the American Guild of Musical Artists, will be in the New York office. Complete plans for the setup will be announced soon by executives of the Chicago Tribune, which owns WGN.

Myrtle Vail Marries

Myrtle Vail, of 'Myrt and Marge,' was married last week in North Carolina to Eddie Lambert, professional contact man. Pair made the trip by plane, Miss Vail returning immediately to continue the daily program. Lambert was formerly with the Jewel and Sam Fox Music firms.

Gilding the Lily

Max Wyllie, CBS script editor, was interviewing an applicant who wanted to be a radio author. Asked what kind of writing he had in mind, the guy replied: 'I'd like to adapt some of Norman Corwin's scripts for radio.'

KRUSHEN SALTS COPY A TRADE SHUDDER

Krushen Salts would like to do a test but it's having a tough time finding takers because of the commercials. Phrasing of the latter is described as hopelessly beyond what the trade now regards as good taste.

Copy, as submitted around the trade, offers the product as both laxative and fat reducer.

Edward Lasker Becomes Lord & Thomas Gen. Mgr., McAvity as Radio V.P.

Edward Lasker has become first v.p. and general manager of Lord & Thomas. He gives up his post of director of radio to Thomas McAvity, who has been named a v.p. McAvity is returning to New York from the Hollywood office and Norman Morrell will replace him as head of L&T radio production on the Coast.

Sheldon R. Coons, executive v.p., has resigned. He is going into business on his own as a merchandising consultant. L. M. Masius, v.p., is the new manager of the N. Y. office.

DURANTE AND MILMAN SETTLE RADIO SUIT

Suit of Morton A. Milman against Jimmy Durante was settled and discontinued out of the N. Y. supreme court last week. Action sought \$4,800 damages alleging breach of contract.

Plaintiff claims he signed a contract with Durante Aug. 21, 1935, to act as his personal representative and manager at 5% commission, in negotiations with the J. Walter Thompson agency in an attempt to set the defendant on the Chase & Sanborn hour. It is claimed that Durante started work Sept. 10, 1935, for 24 weeks at \$4,000 weekly, making \$96,000. Terms of the settlement were not disclosed but it was learned that part of the claim was paid.

MANNING RETURNS

Files Appeal from Previous RCA Suit Dismissed

J. Webster Manning, owner of 1,000 shares of common of the Radio Corp. of America Monday (14) filed an appeal to the Circuit Court of Appeals in N.Y. from a decision of federal Judge Vincent L. Leibell on July 11, 1940, dismissing his stockholder suit against RCA, General Electric Co., Westinghouse and 25 officers and directors of RCA. Action claimed waste and mismanagement and sought damages of \$270,000,000.

Plaintiff claims that when RCA turned over 6,500,000 shares of common worth \$40 a share to the other defendants in return for rights to patents, its directors knew as did the other defendants, that the patents were worthless. A loss of \$10,000,000 through investments in RKO makes up the balance of the appealed action.

TRADE COMMISS RAPS LINDLAHR AND SERUTAN

Washington, Oct. 15. Alleged kidney cure received the cold shoulder from the Federal Trade Commission last Thursday (10), along with a preparation which has been ballyhooed via the airwaves as a sure cure for constipation and a 'health journal' which has made many representations regarding the latter product. Giving the various respondents 20 days in which to answer charges of violation of the Federal Trade Commission Act, Government watchdogs claimed that "Texas Wonder," the kidney cure-all, was merely "mild diuretic" which merely relieve backaches and mild cases of swollen joints. Certainly has no value in treating kidney and bladder inflammations, tuberculosis of the kidneys, diabetes, rheumatism, and other grave maladies, however, it was charged. Commission slapped a complaint on E. B. Hall, doing business as E. W. Hall, of St. Louis, for radio misrepresentations and newspaper and other advertising of the product.

'Healthaids, Inc.,' of Jersey City, was scolded for its brags that 'Serutan' would permanently relieve knob-twiddlers and newspaper readers troubled with America's national complaint. Effect of 'Serutan' is merely temporary, it was charged, since the mixture consists largely of psyllium seed, an inexpensive and widely-known laxative.

The 'called medical journal' published by the Journal of Living Publishing Corp., N. Y., and edited by Victor H. Lindlahr—has been used 'among other things' for advertising 'Serutan,' Commission complained. Lindlahr also has made use of the radio to air the virtues of his publication and the pet product.

HAS PHILLY GOT MEASLES?

Philadelphia, Oct. 15. Local 77, American Federation of Musicians' last week began a campaign to induce national advertisers which have their plants in the Philly area to originate their network programs from here. Letters were sent to the Chamber of Commerce, the mayor, the governor and other civic officials and business organization to enlist their aid on the basis of enhancing the city by publicity and 'civic pride'.

Although the Philly district is the third largest in the country, there is no big time network show emanating from here at present. The last one was the Philly Orchestra concert, sponsored by the Pennsylvania Company, a bank.

Five years ago the Atlantic Refining which has its main refineries and home offices in this area, tried airing a variety network show over CBS from here but it was shifted to New York after the first attempt. Chief objection at the time was the stand-by charges levied by the local union because the band used on the show was from New York. This type of levy has been abolished by the AFM since its last convention.

Local 77's campaign is directed chiefly at Campbell's Soup, Philco, Sun Oil, Atlantic Refining, Westinghouse Electric, RCA-Victor and duPont's—all of whom have factories in the Philly district.

LUNT-FONTANNE TOP 42 CAMPBELL SOUP IDEAS

Campbell Soup is considering a roster of 42 programs for the Friday evening spot that it has under contract on CBS, starting Oct. 25. Top names in the assortment are Lynn Fontanne and Alfred Lunt. Account realizes that it has to come to a decision within the next few days so that rehearsals can get under way, but it wants to make sure that Campbell's series it picks can be fitted into the old frame, the Campbell Playhouse.

Never Before in Radio—

(A Department for underscoring the Rare and the Remarkable in a Many-Sided Industry)

Brazil Publicly Proclaims Stand

Drew Pearson and Bob Allen, who are making radio history to start with by the very nature of their newest NBC sponsor, the Government of Brazil, add another remarkable 'first' for broadcasting last Sunday (13) when they broadcast:

'We have the privilege of announcing that in the event of any trouble in the Far East, Brazil will be found as always standing shoulder to shoulder with the United States.'

Never before has a decision in international diplomacy been thus publicly announced on a radio program.

Radio As Fairy Godmother

New idea program tagged 'Your Dream Came True' will be the Quaker Oats show for this season, and will start on Oct. 27 over the NBC-Red web from Chicago. Set through the local Ruthrauff & Ryan agency, it will be a 30-minute Sunday afternoon show that attempt to grant wishes to the nation's listeners.

Wishes sent in will be investigated by a special committee and if these wishes are deemed worthwhile and worthy, they will be fulfilled by the Quaker Oats company. It's a give-away program on a high-minded basis.

World Series In Spanish

Rene Canizares of Havana, Cuba, left yesterday (Tuesday) to return to his home base after broadcasting the World Series games from Detroit and Cincinnati. It was the first time the play-by-play had been done in Spanish although the broadcasts in English have usually been carried in Cuba where interest in the game is like the native dances—terrific. Gillette brought Canizares to the states and established him with his own engineers, etc. between first base and right field apart from the English description unit. His presence in Cincinnati got plenty of attention with nearly every radio station and all the newspapers interviewing him. Canizares speaks both English and Spanish and is the VARIETY representative in Havana.

KATE SMITH PROGRAM FROM CINCY, TUCSON

Kate Smith program goes to the Coast in mid-November for several broadcasts from there and at least one from a point en route. She'll also do one in the meantime from Cincinnati. Latter is scheduled for Nov. 1 and will have Tyrone Power and Linda Darnell in excerpts from the forthcoming 20th-Fox picture 'Mark of Zorro.' Film will be premiered in Cincinnati.

Program for Nov. 15 will have Jean Arthur in a sketch from Columbia's coming picture, 'Arizona.' It will be aired from Tucson, in connection with the premiere there. Miss Smith will then proceed to Hollywood for an undetermined number of weeks. Only one broadcast is set, the 20th-Fox release 'Chad Hanna' with Henry Fonda, Linda Darnell and Dorothy Lamour. This week's program will offer bits from 'Long Voyage Home,' with Thomas Mitchell, while next week's will have 'Thief of Bagdad,' with Conrad Veidt and Sabu.

NEW SALES EXECS

Paul McClure, for Red—Ed Boroff, for Blue in Chicago

Chicago, Oct. 15. With Harry Kopf moving up to general manager of the midwest division of NBC, the sales executive setup has been revised.

Paul McClure is the new sales manager for the red network, while Ed Boroff steps up as sales manager of the blue link.

NBC's 204th Station

NBC's list of affiliates jumps to 204 with the addition of WLOF, Orlando, Florida, Monday (21).

It will be part of the blue link's Florida group and rated at \$60 per evening hour.

Stenched By Mistake

St. Louis, Oct. 15. Don Ownby, new editor of KMOX, complained to cops that his home in South St. Louis was stench bombed last week, apparently by mistake. The former tenant of the house was an employee of the Century Electric Co., where a strike has been in progress for several months.

A glass container filled with the fluid struck a front window frame. Ownby's 11-months old son was sleeping in the front room but was uninjured.

LEWIS TO WGN FOR TAB

Mutual Network will do its originating of elections results from WGN, Chicago, Nov. 5. Fulton Lewis, Jr., the web's Washington commentator, will move on to that city for the occasion.

WOR, New York, the previous originating spot, for this event, has sold its election night broadcasts to Remington-Rand.

THAD BROWN GIVES UP FCC FIGHT

Washington, Oct. 15.

Handwriting on the senatorial wall finally prompted Col. Thad H. Brown, veteran of more than a decade of service with government radio regulatory outfits, to abandon hope of getting a seven-year term with the Federal Communications Commission. The Ohio Republican, whose nomination hearing was a springboard for a sensational series of Senate Interstate Commerce Committee hearings, will hang out his shingle again, practicing law both here and in Cleveland.

Withdrawal of Brown's name from the Senate was promised by President Roosevelt in a letter explaining the Chief Executive was 'reluctant' to grant the request. The sole remaining FCC member who served on the old Federal Radio Commission asked this be done in view of the unquestioned hostility of enough senators to make him extremely uncomfortable. While the Ohioan reportedly still feels he would win confirmation on a show-down, he tacitly conceded there is no possibility the Interstate Commerce Committee ever will give a favorable report on his nomination.

The Brown appointment was sent to the Capitol June 5 and has been under consideration ever since. Immediately after its receipt, Senator Charles W. Tobey, of New Hampshire, sailed into the President's appointee, inquiring initially into the controversial chain-monopoly report (which did not see daylight until the Granite State let it be known he intended to grill Brown about the extraordinary delay) and then digging deeply into circumstances surrounding settlement in 1932 of the Justice Department anti-trust suit against Radio Corporation of America, General Electric Co., Westinghouse Electric & Manufacturing Co., and others of the so-called 'radio patent pool.' These sessions drew a big gallery and made much headline copy, with both Tobey and Senate Committee Chairman Burton K. Wheeler denouncing Brown as being dumb or unwilling to go into rumors of misconduct.

Off the FCC payroll since June 30, Brown Monday (14) was extremely cagey about announcing his future plans. Would not disclose whether he was setting up shop alone or going into partnership. He is expected to solicit radio licenses, inasmuch as he has been concerned exclusively with broadcasting and other communications matters since being named to the old radio commissions as general counsel by former President Hoover as reward for his services in the 1928 campaign.

SCRIPT KINGS PROBE MUSIC

SWEATSHIRT ARCHIE

Broadcasting as a business is under a natural, and partly legal, obligation to please (1) the public, (2) the Government and (3) the advertiser. But the greatest of these is pleasing the public, which almost automatically takes care of the Government and the advertiser. Pleasing the public is accomplished through programs. It is the 'art' of radio as distinct from the science of radio and the economics of radio.

Of course the word 'art' has to be used a little gingerly in radio. Partly because self-announced 'art' often ain't, and partly because anything artistic or emotional makes many businessmen uncomfortable, like having lunch with an interior decorator.

Now take Arch Oboler (does somebody heckle 'you take him?') as a case of radio 'art'. Oboler's contribution to radio is important, though perhaps not for the reasons he may think. By his energy and enthusiasm and profound faith in Oboler, he is making a lot of people in the trade script-conscious. It may be that Oboler's personality will be greater than Oboler's works as a stimulating force, an idea that will be odious to him and which will undoubtedly prompt him to cite chapter and verse and Max Wyllie to prove VARIETY is wrong. However, in view of the still relatively low repute of creative authorship in radio, anybody who turns a spotlight on the subject may, by that accomplishment alone, be doing a lot of very helpful educational work for the best interests of the art.

This author never admits that a critic could be right. His refusal to entertain doubts is part of his great equipment as a crusader. More easy-going radio authors will occasionally concede that one of their brain children was an idiot. But not Oboler, whether sustaining or commercial. He blames a bad review on the reviewer. To him it's obvious that too much listening to ordinary radio scripts has made the reviewer incapable of getting the Oboler stuff. Don't underrate a man who figures things that way, and who demands and gets all sorts of privileges and billing written into his contract, thereby encouraging others and other authors to take radio writing seriously.

Oboler goes around publicly in an uncomfortable-looking sweatshirt which he says he wears to be comfortable. It's obviously part of his act to make radio script writing attract attention. People ask, 'Who is that guy in the funny get-up?', and the reply is, 'Oh, he writes radio scripts.' Think of all the people who have suddenly and perhaps for the first time been made to realize, if only fleetingly, that radio script writing is a profession and that at least one script writer will wear no man's collar. The mottled gray sweatshirt is the modernized radio equivalent to the Windsor tie and velvet pants of the old Montparnasse. It's arty. It's challenging. It's a symbol of intense engrossment in technic. And it does, in its peculiar way, provoke consideration of, and therefore appreciation of, the radio script as such.

LEE WEB MOVES TO HOLLYWOOD

Hollywood, Oct. 15. All Southern California radio networks are now concentrated in Hollywood. Last to move from downtown is the Don Lee-Mutual chain, which has just taken over the old studios of National Broadcasting Co. at Melrose and Plymouth on a five-year lease.

Occupancy of the new quarters will be started immediately, with entire Don Lee personnel of 200 expected to be in new studios within six weeks. Equipment formerly used by NBC, before it moved into the new Hollywood Radio City headquarters, has been leased by Lee, which will also erect three new audience studios with a seating capacity of around 250 each in the rear of the structure, and completely renovate and redecorate the main structure.

Building was erected five years ago by Consolidated Films, Inc., leased to NBC for five years, lease expiring on Dec. 1, next. Lee-KHJ outlet has been located at Seventh and Bixel street for past 13 years, since Lee purchased the studios from Harry Chandler in 1927.

First Trans-Continental show to go out over the Mutual net from the new quarters will be the Joan Blondell star, 'I Want a Divorce', on Friday (18). Since studio was vacated by NBC portions of building have been used by RKO Radio, as well as an office building in the rear. Back of the Don Lee shift to Hol-

lywood is an expansion program and necessity for more room, besides being in closer proximity to Hollywood talent. Another reason is that Lee wants to be closer to his new \$100,000 television station, now under construction on Mt. Lee, overlooking Hollywood, and which is expected to be ready to function by Jan. 1. Chain is also erecting a new 300-foot antenna at Venice and LaCienega, on the Hollywood outskirts.

Acquisition of the former NBC quarters by Mutual now has the NBC, Columbia and Mutual nets housed in their own buildings in the heart of the cinema colony, a move that has been freely predicted in the Los Angeles territory for several years.

ILLINOIS CENTRAL IS TRUE TO NEW ORLEANS

Chicago, Oct. 15. Illinois Central railroad, evidencing the acme of faithfulness to a program, will return to the ether this season with its 'Cameos of New Orleans' show.

It's a 15-minute once weekly dramatic show, riding on Sundays at 2:30 p. m. Will be on 10 NBC-Red stations, starting Nov. 3. Set through the Caples company.

Luxor May Return

Luxor Toiletries, Inc., of Chicago, may return to a network hookup this fall after several years of absence from that phase of radio.

Account is now considering a comedy mystery series submitted to it by its agency, Lord & Thomas.

PROCTER-GAMBLE MULLS NEW SHOW

Competitive Strength of Martin Block's 'Make-Believe Ballroom' Arouses Soap-Maker to More Closely Re-examine Musical Ideas—Might Be Day-time Omen

P & G LEADERS

Procter & Gamble, pioneer in the use of 'daytime dramatic' shows on a wholesale scale, and one of best informed organizations in radio, has become interested in another form of entertainment, namely, dance music. After making an extensive survey into the competitive effects of Martin Block's 'Make-Believe Ballroom' when the latter's all-transcribed version ran on 19 stations for NBC Bread, the soap manufacturer is considering doing a daytime test of its own via Block's daily series on WNEW, N. Y. P. & G. will, it is reported, underwrite a segment of the Block show, providing that another soap account, Kiewit's, is moved elsewhere on WNEW's schedule.

P. & G.'s adoption of a daytime formula other than drama would be regarded by the trade as almost revolutionary. It has for years been the top spender in this particular field of network radio. Reports of P. & G.'s interest in dance music caused the trade to wonder whether the manufacturer is beginning to anticipate a listener reaction away from the avalanche of daytime talk or whether it is merely seeking to find something with which to supplement on a spot basis its exclusive drama policy is far as the networks are concerned.

In the probe which P. & G. conducted of the 'Make-Believe Ballroom' as an NBC Bread series it checked the results of that campaign as against the results obtained by programs of Kiewit in the same area. In addition to gathering statistical data, P. & G. looked into the legal ramifications attending the use of phonograph records on a sponsored program.

When NBC Bread had made a deal with Block, it was faced with claims by musical copyright owners and the National Association of Performing Artists. The former, acting through Harry Fox, agent and trustee, demanded that a transcription fee be paid on the records, while the latter contended that the name bands had a common law property right in the phonograph records, and thereby was legally entitled to license the discs for commercial use. RCA Victor also made representations on the licensing issue. Since then the U. S. circuit court of appeals in the New York district has held that neither the phonograph manufacturer nor the artist has a property right in the record, and that only right recognized by the law is the one held by the song copyright owner.

Robert L. Hutton, Jr., WCCO Minneapolis sales promotion and publicity manager, is in New York.

Network Premieres This Week

Thursday, Oct. 17
Lewis-Howe Co. (NR's), WJZ-NBC, 8:30-9 p. m. 'Fame and Fortune,' with Tommy Dorsey's Orchestra, Connie Haines, Frank Sinatra, Pied Pipers and guest, Ruth Lowe. Stack-Goble. Originates from New York. Hookup, 95 stations.

Friday, Oct. 18
Local Sponsors, WOR-MUTUAL, 9:30-10 p. m. 'I Want a Divorce' with Joan Blondell and dramatic cast. Emil Brisacher. Originates from Los Angeles. Hookup, 33 stations.

Sunday, Oct. 20
Sherwin-Williams Co., WEAF-NBC, 5-5:30 p. m. 'Metropolitan Opera Auditions of the Air' with Edward Johnson, Wilfred Pelletier and Orchestra, guests, Lillian Taiz and John Dudley. Warwick & Legler. Originates from New York. Hookup, 49 stations.

Ford Account Shifting Agencies; Colgate Out of Benton & Bowles

How to Relax

Milwaukee, Oct. 15. Working out a projected aviation series program, Charles La Force, production manager of WEMP, wanted to be sure of his background so sought a renewal of his flier's license, which he had permitted to lapse about 10 years ago. He passed a new examination.

Now spends all his spare time in the air—says it's the greatest form of relaxation he has yet discovered, and urges other nerve-wracked radio execs to try it out if they want to temporarily forget programs, schedules, contracts, regulations and other professional cares.

RADIO'S PART IN ADMEN'S MEETING

Some questions behind closed doors about AFRA and ASCAP are expected at the annual convention of the Association of National Advertisers Oct. 23-26 at the Greenbrier in White Sulphur Springs, West Virginia. But, in general, the signing of the new AFRA contract this week and the inconclusive status of the music performance fee feud does not make either subject a potentially hot theme for convention discussion. D. P. Smelser, of Procter & Gamble, will preside at the radio roundtable.

Mark Etheridge, of WHAS, Louisville, will be spokesman for the radio industry in a media forum. His fellow speakers will be Grove Patterson of the Toledo Blade, for newspapers; Senator George Pepper, for outdoors; Roy Larsen, of Life, for magazines.

A special session in explanation of the new changes in the Cooperative Analysis of Broadcasting, the A.N.A.'s baby, will be held. Otherwise the only further participation of radio in the convention will be in the form of a program of entertainment from NBC and a gag version of Bow Hawk's 'Take It or Leave It' quiz arranged through CBS. This is the first A.N.A. convention where both networks have supplied shows. They will be on different nights.

A.N.A. has switched to the Greenbrier at White Sulphur Springs, although recently using Hot Springs, Virginia, some 50 miles away.

Vaughn de Leath to L.A.

Bridgeport, Oct. 15. Vaughn de Leath, pioneer air femme, has closed her house in Easton, Conn., and moved to Los Angeles to be close to song deals at film studios.

Miss de Leath's California visit means reunion with her original radio backer, Dr. Lee De Forest.

Ad agency circles yesterday (Tuesday) were abuzz with the report that Ford Motors was instituting a drastic shakeup of its advertising account. While it was clear that McCann-Erickson had come out of the reshuffle with a greater slice of the Ford car business, the future of the Ford agency alignment on the institutional end of the account was still to be confirmed by the manufacturer. N. W. Ayer, which has had this phase of the Ford business for years, will in any event retain the handling of the Sunday night concerts on CBS until the end of the current season. In the reapportionment of the Ford account the Maxon agency supposed to have obtained the Lincoln and Mercury advertising. It already had the Lincoln Zephyr assignment.

Another major shift of the past few days is the loss of the Colgate end of the Colgate-Palmolive-Peet business by Benton & Bowles. The Colgate advertising has been split between Sherman & Marquette, of Chicago, and Ted Bates, who has quit B & B to set up his own agency. Disposition of the Palmolive phase of the account is still up in the air. James Adams, the executive operating head of the C-P-P, used to be the account exec on Colgate-Palmolive at Benton & Bowles.

McCLATCHY \$60 RATE BOOST

NBC has worked out a new deal with the McClatchy group whereby the rate of the four stations as a unit jumps \$60 and KOH, Reno, becomes basic blue starting Nov. 15. KOH will also be optional red, whereas in the past it has been optional blue and red.

Other outlets in the group are KFBC, Sacramento; KERN, Bakersfield, and KWG, Stockton.

PAT BARNES CONDUCTS EARLY HOUR ON WEAF

Pat Barnes is conducting a participation stanza from 6:30 a. m. to 7:30 a. m. on WEAF, New York City. He divides it into quarter-hour segments. It places him opposite his contemporary, Ed East, on WJZ with 'Breakfast in Bedlam.'

Barnes also has a Knox Gelatine football review session at 7:45 a. m.

WOODBURY MATINEE?

Off Daytime Radio for Five Years, May Return

Jergens Woodbury Co. may test a script show on the NBC shortly. Plan is to use a small hookup on a daytime schedule.

If the thing goes through it will be the first time that the account has had a daytime network release in five years, and that was when it launched the 'Dangerous Paradise' serial.

Axton-Fisher on Blue

Axton-Fisher has bought one of the NBC-blue's 25-minute evening segments to plug its Twenty Grand cigarettes. The show will be a novelty, 'Happy Birthday to You,' and it will be in the Friday 9:35-10 o'clock spot starting Jan. 3.

Weiss & Geller, of Chicago, is the agency.

Williamson Candy Co., of Chicago, is going on the NBC-blue shortly with a weekly half-hour program. Schedule will be Monday, 7-7:30 o'clock.

Miller, Skeptical, Meets Bandmen Today; ASCAP Claims It's Receptive, Denies Scale Was Take-It-Or-Leave-It

Committee of band leaders, chaired by Fred Waring, will seek to find out today (Wednesday) from Neville Miller, president of the National Association of Broadcasters, what has been holding up negotiations between the radio industry and the American Society of Composers, Authors and Publishers on a new licensing contract. Meeting place—Waring's office and the committee is the one that some 40 maestros designated two weeks ago following a discussion of the problems facing them as result of the radio-ASCAP impasse.

The band leader committee will point out how they will be economically injured by a break Jan. 1 between the two factions and inquire of Miller whether the side he represents is prepared and willing to meet with ASCAP and thrash out their differences. Gene Buck has put himself on record with the same committee as agreeable to meeting with anybody from radio who is fully authorized to negotiate and close a deal.

Miller Dubious

The leaders' committee had addressed its request for a meeting to Niles Trammell, NBC prez; Edward Klauber, CBS executive v.p.; and A. J. McCosker, chairman of the Mutual Network's board, as well as Miller, and the three network officials elected to have Miller alone appear and present their side of the issue. Miller in his letter of acceptance stated that "ASCAP has indicated thus far no willingness to negotiate on any basis that gives hope of a settlement" and that "ASCAP in the position it has taken toward broadcasters has acted as an aggressor against broadcasters and orchestra leaders alike." Miller added that "until ASCAP indicates its own willingness to negotiate—and holding a gun at your heads and ours is not negotiating—it seems to me that your suggestion would not accomplish anything."

ASCAP's position is that the proposal made to a group of broadcasters last March was not a take-it-or-leave-it proposition and that it had been merely offered as a formula. It was at this meeting, recalls ASCAP, that Klauber staged his walkout. The actual contract covering the new broadcasting terms was not drawn up, ASCAP further pointed out, until June.

VINCENT CALLAHAN OUT, SWARTLEY IN

Philadelphia, Oct. 15.

Vincent Callahan leaves as station manager of Westinghouse-owned WBZ, Boston. W. C. Swartley moves in from another Westinghouse set-up, WOVO-WGL, Fort Wayne, to succeed him. Swartley was put through by Lee Wailes, manager of Westinghouse's broadcasting division, with headquarters in Philadelphia. Swartley takes over in Boston next Monday.

In Fort Wayne the management passes to John B. Conley, auditor and office manager heretofore.

NEW TIME-BUYER

Margaret Jessup Inducts Tannerhill at McCann-Erickson

Robert W. Tannerhill has been designated the new time buyer at McCann-Erickson. He was formerly in the merchandising division of the agency.

Margaret Jessup, who used to be time buyer, will get him started in his new assignment and then return to her spot in the program department.

Lloyd Yoder Officiates

Denver, Oct. 15.

The reputation of Lloyd Yoder as a football official was known here even before he transferred here as manager of KOA from a similar job in Frisco, so he's being drafted to officiate at a number of games in the region this fall.

Yoder at one time handled the football predictions on Daily Variety in Hollywood.

FCC OKAYS EXTRA TIME TO BROADCAST SYMPHONY

Sharon, Pa., Oct. 15.

Station WPIC here recently broadcast a concert by Helen Foster Lewis, 13 Piano Symphonies, which was appearing locally under the sponsorship of the Optimists Club.

In order to broadcast the show the station remained on the air a half-hour beyond the regular sign-off time, for which special permission was obtained from the FCC.

WJR HAS OWN LATE MUSIC IDEAS

Detroit, Oct. 15.

Making a lone stand against the late hour outpouring of swing music, WJR here lays plenty each week on the line for sustaining programs of 'better music.' The station—where Owner Leo Fitzpatrick once cut off the air Tommy Dorsey for swinging the classics—has engaged for its half hour of semi-classical music a 15-piece orchestra, a chorus of 14, three soloists and two trios (boy and girl), as well as expanding for specially written material. Estimate for the nightly cost of the programs, which hits the ether five times weekly at 11:15 p.m. for a half hour, is \$500.

Picking that spot on the night when bands all over the nation are getting hot, WJR is working on the promise that there still are up plenty of folks who fancy a different type of music—if they can get it. On Monday night the studio comes up with 'Pleasant Valley,' which has the 15-piece studio orchestra, the Don Large chorus of 14 and Helen Hadley and John MacKenzie, the soloists on last summer's Ford network show.

Tuesday night's half-hour is 'The Evening Concert' (Victor Herbert type music) with the orchestra, Miss Hadley and Cyril Wezemel as soloists.

Wednesday night is 'Firelight Fantasy,' a program written by Gerald Elliott, of the script staff, in blank verse with the continuity done by Klock Ryder, who also does the 'Hermits' on the blood-curdler of that name. For this program Miss Hadley, with male octette, and Wezemel, with girl octette, take alternate weeks with the orchestra.

Thursday is the sole night for unending with 'Music in the Air,' described as 'dignified swing.' Orchestra here uses an occasional boy tune and works with a girl and boy trio. On Friday along comes 'WJR Dedicates,' last week to The Tigers, this week to the University of Michigan, and coming up are the service branches, Army, Navy and Marines. The full chorus, orchestra, etc., are in on this one.

In all the programs, still on the conservative basis, ring up \$2,500 for the week under such items as \$12 to \$14 for each musician, \$10 an individual for the chorus, \$25 to \$50 for soloists, script costs, etc. No advertising intrudes. The studio reports that the response worth it and proves that there is a wider love of better music than suspected—even among the stay-up-lates. Beside, it provides something in contrast to other programs on the air at the time.

KECA Boosted to 5 Kw

Hollywood, Oct. 15.

Earle C. Anthony's NBC blue affiliate, KECA, goes to 5,000 watts at night around first of the year when new 275-foot antenna will be ready to spread the station's coverage. Station is now operating on 5,000 watts daytime and 1,000 watts night.

Power boost came through last week nearly two years after the application was filed in Washington.

Radio-Music

Continued from page 1

anger radio men feel toward ASCAP. This is the realistic analysis of the situation some 11 weeks before New Year's made to a Variety staff member by a high personage in the broadcasting industry on Monday (14).

Actually he thinks there are two main elements in broadcaster attitude at the present. First, their objection of the all-for-one idea and their fear of doing or saying something that might open them to a charge, even if unjustified, of showing less than fighting spirit. Second, broadcasters, especially the big, independent, midwestern stations, are in a mood to welcome rather than avoid a test of strength after Jan. 1.

Hence most of the talk of the past fortnight, that broadcaster and ASCAP men on good respect talks is considered unfounded by this personage. The recent meetings of dance orchestra leaders, self-announced 'innocent bystanders' of the radio-music fight, have apparently attracted only casual curiosity in broadcasting circles. Indeed, it is questionable that the average radio man regards the prospective plight of the dance leader as relevant to the issue. Moreover, there is a suspicion that ASCAP has the sentimental, if not the actual, cooperation of the dance-men, and hence they are, in broadcaster opinion, about as neutral as the United States is in world power politics.

The broadcasting personage to whom VARIETY spoke added:

"It is a narrow concept of our quarrel with ASCAP to call it more dispute over how much ASCAP music is worth. This is a fight, as we see it, to oppose the idea that the seller of music may set prices according to the income of the buyer, on a take-it-or-leave-it basis."

Some Questions

Other questions and answers were as follows:

Q.—What about the possible public reaction if there is no familiar music on the air after January?

A.—Familiar music is what people hear. If they don't hear ASCAP music, will they not hear other non-ASCAP music will take its place.

Q.—Suppose the public demands certain music?

A.—The public seldom demands anything. The public simply accepts.

Q.—How about the inconvenience to your program schedules?

A.—Of course there will be some inconvenience, but instead of having a program schedule based on a ratio of, say, 50% music and 50% non-music, we may have 30% music and 70% non-music, or whatever it might be.

Q.—Do you think negotiations with ASCAP are likely before the expiration date of the present contract?

A.—I don't see any way of getting together for the reasons I have already suggested. It comes down to this: the stations think it now or never for them.

Q.—To what extent is personal bitterness preventing business negotiations?

A.—I notice each side is calling the other side liars in your VARIETY ASCAP battle page, if that is what you mean. Yes, I think the name-calling is evidence of a distrust on both sides that complicates the possibility of any immediate settlement. Each side says the other is bluffing. Only time can prove the truth.

Q.—Do you think any outsider or third party could make successful overtures leading to the opening of negotiations?

A.—I can't think of anybody of hand.

Q.—What is your chief criticism of the ASCAP licensing system?

A.—One-sidedness.

Q.—Another broadcaster recently said that this was not the time to negotiate, because ASCAP hadn't been on the griddle long enough. What is your comment to that?

A.—(A grin)
Q.—Sort of a battle of nerves, eh?
A.—Yes! A battle of nerves, but a war of principle.

Wisconsin AFM Slams ASCAP

Eau Claire, Wis., Oct. 15.

Blaming the American Society of Composers, Authors and Publishers for the loss of a lot of jobs, the Wisconsin State Musicians' Association (AFM) in convention here urged national officials of the American Federation of Musicians attending the meeting to use all their powers in promoting the interests of Broadcast Music, Inc., and against ASCAP. Chauncey A. Weaver, of Des Moines, Ia., member of the national board of directors, and W. B. Hooper, of Elk-

Speculation Centres on Lucky Strike Attitude If ASCAP Goes Off the Air

OPEN WBML, BURY LOWE SAME DAY IN MACON, GA.

Macon, Ga., Oct. 15.

Newly licensed station WBML went on the air today (Tuesday) for the first time and then the staff left to attend the funeral of the station manager, Henry Lowe. Ironic situation of opening station and burying its manager the same day is result of sudden death from strep infection.

Station is on the Mutual network.

RCA BORROWS \$15,000,000 FOR SPEED-UP

Expansion program of Radio Corp. of America, made necessary because of national defense orders and increased business, is being carried into effect by means of \$15,000,000 in loans, David Sarnoff, president, explained this week. Money has been obtained from various banks all bearing interest at 1½% annually for five years. Company has the privilege to pay in full or part at any time before maturity of the obligations.

What the preparedness campaign already has meant to RCA in orders for radio and other equipment is shown by an increase of 3,955 employees at the close of September as compared with the same time last year. Parent corporation and subsidiaries list 26,595 employees at the end of last month. New program is expected to further increase employment.

Part of the coin secured in this loan will be used to retire the company's currently outstanding bank loans of \$2,000,000 which are due April 8, 1941. This will save the company several thousand dollars because the old loans were at 1½%.

CHICK ALLISON GOES TO WLW, CINCINNATI

Kansas City, Oct. 15.

Milton F. 'Chick' Allison leaves Station KMBC to become sales promotion manager for 'WLW,' Cincinnati, on Oct. 24. For past four years Allison has been director of publicity and promotion at KMBC, his first and only radio association. After graduation from Kansas State college in 1932 he was connected with the Skelly Oil Co. before joining KMBC.

Frank Barhydt will join the station to fill the vacancy. Barhydt has been connected with Station WBIB as manager of client service for the past five years; he also was chief of the continuity department and handled promotion and publicity after the departure of M. H. 'Mouse' Straight about a year ago to the Ferry-Hanley agency.

William H. Oldham will continue as WBW's production manager, and Research director, with Beulah Straway carrying on as merchandising director.

hart, Inc., national investigator, both were present at the convention.

"We could put hundreds of musicians to work in Wisconsin if it were not for ASCAP," explained Vollmer Dahlstrand, of Milwaukee, who was re-elected president of the state association. "As it is now, taverns and night clubs all over the state are using jukeboxes to provide their music because, owing to the fees charged by ASCAP for playing copyrighted music, they simply cannot afford to engage orchestras, regardless of how much they would like to do so. I could put 100 more musicians to work right in Milwaukee alone if it were not for ASCAP."

Besides re-electing Dahlstrand as president, the Wisconsin musicians named W. F. Vandenberg, of Green Bay, vice-president; Edwin Sorenson, of Racine, treasurer, and C. A. Dow, of Racine, as treasurer.

There are two versions of what George Washington Hill, American Tobacco Co. prez, has declared will be his radio policy should the networks and the American Society of Composers, Authors and Publishers fail to get together on a new licensing contract by Jan. 1. American Tobacco has the 'Hit Parade' on CBS and Kay Kyser on NBC.

One version is that Hill has agreed to play along with the networks for six weeks after Jan. 1 and that the rating and quality of the two musical programs will determine his next move. With such an understanding in effect American Tobacco could cancel its two musical sessions on immediate notice.

The other version is that Hill has assured Niles Trammell, NBC prez, that he, Hill, will support the networks to the limit.

In the music publishing business the belief prevails that in the event there is no licensing agreement renewal both 'Hit Parade' and Kay Kyser's quiz show will fade forthwith and that Hill will go along solely with his new program, 'Information, Please,' until the ASCAP situation has been cleared up. It is thought the music feud largely prompted Hill to buy a quiz show instead of music, a departure for him, as protection.

KATHLEEN NORRIS ON AIR FOR WILLIE CLUBS

Associated Willkie Clubs of America yesterday (Tuesday) started Kathleen Norris in a daily quarter-hour series on a Columbia hookup. She will interview pro-Willkie's J. Walter Thompson.

Series, spotted at 3:15 p.m., Monday through Friday, was to have started Monday (14) but a hitch developed on the coin question but this was straightened out in time for the program to get going yesterday. It was not disclosed who guaranties the payment of the radio time for this group of programs.

SCHUDT'S DIVISION PERKS

New Columbia Transcription End Grabs Some Business

Bill Schudt's commercial transcription division at Columbia Records has had a burst of orders. Hollywood office has waxing orders from Metro-Goldwyn-Mayer for 500 15-minute air trailers. Universal has 85 similar quarter hours coming up. The West Coast cuttings of the Texas Rangers out of KNX, Hollywood, for Lennen & Mitchell 'Old Gold' are included.

Benton & Bowles account, Continental Baking (Yo-Ho), is cutting one minute blurs, 10 to a disc. Delayed transmission for the Ripley show is cut by Columbia off the line for WWVA, Wheeling, West Va.

Oregon Organizes

Portland, Ore., Oct. 15.

An Oregon association of broadcasters was formed Oct. 11 by 14 of the state's 18 stations. Chairman is Lee Bishop.

Program committee comprises Cary Jennings, manager of KGW-KBX; George Kincaid, of KFJL, Klamath Falls, and Frank Logan, KBND, Bend, Ore.

EVERSHARP SHOW REPEATS

Cincinnati, Oct. 15.

To satisfy admission requests, a repeat performance of Bob Hawk's 'Take It Or Leave It' weekly quizzer for Eversharp, Inc., on CBS was given Sunday (12) night, when the audience participation show was brought here. It originated in the Netherlands Plaza hotel's Hall of Mirrors. Extra chairs increased the seating capacity to 2,000 for each session.

Broadcast was handled by CBS men out of Chicago. It was piped to New York and relayed from there to WKCY, local affiliate, for Cincy outlying.

Ben Bodeo of VARIETY took literacy test last night. He wants to vote.

CUT IDEA MAN'S PROFITS

Petrillo Again Yanks Dance Bands

Another Local Situation With Musicians Brings Action Against Network

Late evening dance band remote pickups were yanked off Columbia Broadcasting's network for the second time in a little over three months Monday (14). Reason for the action, ordered by James C. Petrillo, prez. of the American Federation of Musicians, is the inability of the locals to arrive at working terms with CBS affiliates. They are WABC, Akron, O., and WGBI, Scranton, Pa.

Akron station has, according to AFM officials, been battling the musicians' local, that territory for the past nine months. It isn't explained why that situation wasn't cleaned up when the AFM first blacked out dance sustainers last July in a similar argument. NBC's KSTP, Minneapolis-St. Paul, and CBS' WRVA, Richmond, Va., accused Petrillo's wrath then and it resulted in funds being off both nets for a few days.

Columbia is currently filling in with studio bands and other available material.

N.A.B. Checks Communist Status in 48 States

Washington, Oct. 15. The National Association of Broadcasters finds the following in the state of the Communist party office-seeking, the 1940 election:

On Communist candidates: Ariz., Del., Ga., Ill., Ind., Kans., Ky., La., Miss., N. C., N. Y., S. C., S. D., Tenn., W. Va., Wyo.

For presidential electors only: Me., Minn., H. L. V. I.

Incumbent and governor: Minn., President and governor and lieutenant-governor.

New Jersey, President, and six electors.

Texas, President, senior and representative of the 20th district.

15th, President and governor (but rejected by Secretary of State). Case taken to Supreme Court and now pending.

Washington, Communist candidates filed, legal action initiated. Case pending in Supreme Court.

Wisconsin, candidates for presidential electors qualified as independents and will appear on ballot as such.

Michigan, Communist candidates for major state offices, except Auditor-General, have qualified. New Hampshire, Communist candidates for presidential electors and U. S. senatorial candidate qualified. Maryland, Communist candidates filed (qualify now in litigation). Massachusetts, Communist candidates qualified.

Illinois, Communist candidates for major state offices, except Auditor-General, have qualified.

New Mexico, qualified. Virginia, Communist candidates for presidential electors, U. S. senator and one national representative qualified.

Pennsylvania, Communist candidates qualified.

Trammell, Mullen Speaking For WGY's Farm Anniversary

Schenectady, N. Y., Oct. 15. Niles Trammell, NBC president, and Frank E. Mullen, NBC general manager, will be among nine speakers on WGY's Farm Anniversary, Nov. 1, when 15th anniversary of station's Farm Forum and Farm Paper of the Air will be celebrated with a birthday party, attended by some 5,000 farmers and their families. Each farmer will be asked to bring along a gift of produce—a bushel of apples, potatoes, turnips, etc.,—a jar of jelly. These are to be turned over to the State Social Welfare Department for distribution to charitable institutions.

Mullen, well known to farmers through his editorship of agricultural magazines, before going into radio and later through his work as NBC's first director of agriculture broadcasts, will speak at Trammell will make on the night program. Emerson Markham, director of WGY farm programs for almost 15 years, general chairman of the big howdy.

Mrs. Sears Doing Nicely

Millwaukee, Oct. 15. Sears, Roebuck & Co., to herald the opening of a new North Side store, had a half-hour night show, "WTMJ on Sunday night," with a choir of 75 voices and a 25-piece orchestra led by the station's musical director William J. Benning. The title of the show, "A Store Is Born."

"Yeah," quipped listener, "Mrs. Sears and the baby are doing nicely."

Inject Roosevelt Speech Into WLWO's Broadcast Special to So. America

Cincinnati, Oct. 15. Injection of President Roosevelt's talk Saturday (12) night from Dayton, O., in which he stated the administration's foreign policy, gave added official pomp to the two and one-half hour special broadcast which formally dedicated Crosey's international station, WLWO. By sending a directional beam to the Latin-American nations, the 50,000 watt's power had the effect of 600,000 watts.

First hour of the program originated in Washington. Participants there included James Lawrence Fly, FCC chairman; Thomas Burke, chief of the state department's communications division; Dr. Leo S. Rowe, director general of the Pan-American Union, and 14 ministers and ambassadors of Central and South America countries. Jim Shouse, general manager; Bob Dunville, sales manager, and Jerry Branch, technical supervisor, of Crosey's WLWO and WLW, which also carried the dedicatory stanza, were in the capital for the occasion. Also at that end were Wilfred Gushier, manager, and Eugene Patterson, program director, of the short-waver, and Howard Chamberlain, who handled the WLW pickup.

WLWO's Spanish and Portuguese announcers, George Mayoral and Henley Hill, did the foreign translations from Washington.

After President Roosevelt's address, on from 9 to 9:30 p.m. out of Dayton, another 60 minutes was carried from the Crosey studios in Cincinnati. Powell Crosey, Jr., president, had a three-minute part in this session, reciting the 16-year history of his station's airings to South America. Virgilio Marucci's orchestra and Flora Patterson, contralto, heard for years on the Los Amigos series, carried by WEXAL, WLWO's predecessor, for Latin-American listeners, supplied musical interludes. Announcing in Spanish on the Cincinnati portion of the broadcast was Manuel Avila and Aristides Nodade of the WLWO staff.

I'm Not Good Enough

Cincinnati, Oct. 15. After a three-week try as program director of WKRC, Richard Blake resigned Thursday (10) to return to Hollywood and resume free-lance writing for motion pictures.

He told Hubert Taft, Jr., station manager, that his experience didn't permit him to fill the radio job to his own satisfaction.

WFAA Early Bird's Film

Fort Worth, Oct. 15. Jimmy Jefferies, m.c. of the Early Bird's Revue on WFAA, Dallas, and Hello Girls on KGO here, has left Hollywood to play a part in the Republic picture, "Barnyard Follies."

Other radioites in the picture are Mrs. Uppington of the Fibber McGee and Molly show, Lula Belle and Scotty, Rufe Davis and Mary Lee. It is Jefferies' first screen effort.

AD MEN PRY INTO PROGRAM COSTS

Getting Tougher to Peddle Packages for Big Prices—Serials Down Around \$2,000 a Week

ELMAN'S CASE

A program idea, as such, is no longer likely to benefit its peddler up in the four figure per week brackets. Promoters of radio programs are finding the advertising agencies exercising a buyer's privilege of demanding a break-down of the component figures in a package price. By this demand they seek to find out what the charge for the idea is. Thus the promoter is forced to take the blue sky out of his deal. More and more he is likely to be offered a nominal weekly fee of \$300 or thereabouts as a condition of any sale.

This seems to suggest that the lush era that made substantial fortunes for such persons as Phillips Lord, Dave Elman, Dan, Golcopol and others is about to end. It's a result, in part, of the great number of quiz shows that have slashed prices in the heat of competition. At the same time dramatic serials are hugging \$2,000 or so for five installments, everything included. In view of the mathematical odds against consummation of any sale this allows the idea creator a skimpy bit for himself. The trend is all tangled up with mounting costs of network time, the possibility of network abolishment of contiguous discounts, the new AFRA scale which increases production costs and similar tendencies.

Writers and directors have also felt the pinch. Unlike the actors they have no fixed scale and no protective machinery.

Elman's Slant

Quiz shows, which can be profitably sold to sponsors at \$500 to \$1,000 a week, are termed by Dave Elman the reason why his "Hobby Lobby" and similar novelty programs are failing to attract bankrollers. It is for that reason, he declared last week, that he has turned to "Contact," which started on Mutual Sustaining Oct. 5. It can be profitably sold at much less than "Hobby."

Hobby show with which Elman has been identified was sponsored for two years, until last April, by Fels soap works, which was reported paying \$4,750 a week for it. Outfit has no program on the air now, but, according to Elman, has been offered all sorts of quiz propositions at one-fifth the cost of "Hobby Lobby."

"Contact" is an effort by Elman to get away from the quiz type show and yet hold down costs. It puts on the air people who are searching for a long-lost brother, child, friend or anyone else as long as the searcher's story has human interest. Inasmuch as these people are highly anxious to have their message broadcast, it's not necessary to pay them a fee, nor even their expenses, except in those cases where they are too poor to come to New York on their own.

On "Hobby Lobby" on the other hand, many of the hobbyists whom Elman wanted were rather affluent and not always willing to take the time to even their expenses, even had to be handed expenses for Pullmans and fancy hotels. Many also received the wages they would have obtained from their employer while coming to New York for "Hobby Lobby" or the sum they had to pay a substitute.

Following the first week's airing of "Contact," Elman received eight letters from individuals or radio producers who claimed they thought of the idea first. Most important of the squawkers was "Court of Missi Heirs," now on the air, but an agreement was readily reached between the owners of the two shows. Elman maintains he auditioned "Contact" for agencies as far back as 1936.

AFRA Licensing Talent Agencies; Clause Provides Adjustments If Living Costs Shoot Skyward

By HOBE MORRISON

New agreement just signed between the American Federation of Radio Artists and the networks is much broader than had been anticipated and, in general, represents a substantial advance for the union. It calls for new sustaining rates and regulations, effective for three years. It also renews the commercial code, with an expiration date the same as the sustaining contract. It sets scales for regionals and locals, staff announcers, provides for regulation of artist bureaus and agencies. It even contains a clause providing for all rates to be increased in case the general cost of living rises within the next two years.

The pact was signed by officials of AFRA, NBC, CBS, the two principal Mutual origination stations (WOR, New York, and WGN, Chicago) and a representative of the advertising agencies. The New York local membership voted Monday night (14) to ratify it, the memberships of the Chicago and San Francisco chapters were due to approve it last night (Tuesday) and the Los Angeles group to follow suit tonight (Wednesday). The entire agreement expires Nov. 1, 1943.

While the independent talent agents (that is, other than the network artist-bureaus) were not represented in the negotiations and were not even consulted or notified in advance, the new agreement's licensing and regulatory phases will undoubtedly apply to them. It is expected that the agents involved will complain, but AFRA's deal with the artist-bureaus is pretty complete, so they don't appear to be much the indie percenters can do about it. Figured that AFRA will quickly notify them to apply for licenses and, after the customary protests and confabs, they will fall into line.

New agreement covers New York, Chicago, Los Angeles and San Francisco and applies to actors, singers, freelance and staff announcers. The

Fly, Studebaker, Bingham Attend Launching Of New Educational Station

Louisville, Oct. 15. Dedication of WBKY, Beattyville, Ky., new educational station established by University of Kentucky, to be operated two hours daily, in cooperation with Lee County Board of Education, was Thursday (17). Opening will be attended by Dr. J. W. Studebaker, U. S. Commissioner of Education; James Fly, FCC chairman; Gov. Keen Johnson; Barry Bingham, president and publisher, Courier-Journal and Times; and many other personages.

New educational station will be on the air five days a week regularly for two hours daily.

Ken Sobel In Montreal

Montreal, Oct. 15. Ken Sobel of Toronto is here to produce new weekly novelty program entitled "Did I Say That?" for Royal Canadian Tobacco, with 15-minute period booked over station CFCF. Sobel will work from the stage of the Imperial Theatre quiz members of the audience.

Proceedings will be recorded and platter will be used on air following day.

Atlantic City—Helen Seyfang has joined WFPG (Steel Pier) as headliner hostess-announcer. She interviews personalities each night. Joel Chesney, announcer, has been made chief of continuity at WFPG. Mill Marsh added to announcing staff and Eddie Kohn arrives as commercial manager.

national commercial code is renewed, and new commercial contracts cover the Pacific coast regional, the Chicago local and one is being worked out for the Pacific coast local. Pact covering NBC staff announcers in New York is renewed.

Always Favors AFRA

In the new sustaining code, any changes from the former contract are in favor of AFRA; in no instance does the new pact set scales or conditions less favorable to the union than the old agreement. The principal of pay for all rehearsals is established. While the rate for all rehearsals is less, than the former figure, for overtime rehearsals, the networks agree that in case rehearsals are curtailed enough to bring the total fee to less than the former amount, the old figure will apply.

Other clauses in the new sustaining agreement call for increase in the audition rate, application of the Chicago local scales to the Central time zone (national scale to apply if the show is heard in another time zone), increase for staff singers, stand-by group singers and signature voices, reduction of the discount for strip shows and coupled with a six-weeks guarantee. In general the boost in sustaining rates is estimated at about 10%.

Staff announcers in New York and Chicago are raised 10% (except those getting more than \$100 a week receive a straight \$10 boost) and Chicago spotters will have a \$55 minimum. In addition, a formula of pay for commercials is worked out. In general, this takes the form of regular commercial scale for such shows, with the announcer not required to make up the time involved. The rules for commercial broadcasts in Chicago, which were part of the recent national scale, are made a part of this agreement.

The new agreement requires that all regulations for artist bureaus shall be binding on AFRA members and all agents. Network artist-bureaus have already applied for licenses. Commissions cannot be charged on minimum fees. No commissions may be charged by artist bureaus on package shows and none may be charged when the agency is the employer.

With the unifying of expiration dates of the commercial and sustaining codes, virtually all AFRA's contracts are now set to run out at the same time. Local and station contracts now having other expiration dates will probably be altered to conform as they are renewed. This tends to give AFRA an improved position since in case of dispute it could call a strike against all programs.

Although the new agreement is for three years, the clause requiring rates to be increased if the cost of living rises apparently protects the union members against disproportionate increase in living expenses over income. U. S. Department of Labor figures will be the basis for any such raise. Such a provisionary clause, while not unprecedented in certain other fields, unheard of in show business.

The new agreement, reached after several weeks of hearings before representatives of the State Mediation board, ends the prospect of an AFRA strike. The old sustaining contract ran out Aug. 12 and extensions expired Sept. 12. A strike at commercial as well as sustaining programs seemed likely at that time, but the Mediation board stepped in with an offer to try to settle the dispute.

Although the new agreement is regarded as favoring AFRA, officials of the networks are reported so pleased with it that they are said to be readying a letter to Gov. Lehman of New York, commending the work of William H. Davis, chairman of the Mediation board, who conducted the negotiations.

The President's—Once the King's—English

(Comment on The Radio Styles of The Candidates)

(While politics is no direct concern of this trade publication there has been so much discussion lately of the differences of President Roosevelt's radio speaking style and the speaking style of Candidate Wendell Willkie that VARIETY has prepared a round-up of trade comment on this purely technical phase of the campaign.)

Radio plays a big part in electing public officials today. Therefore how a candidate sounds on the air is important.)

'Roosevelt and Willkie Both Sound Oxford to Me', Declares Bob Burns

By JACK HELLMAN

Hollywood, Oct. 15.

Here's how some Coast radio people react to the radio voices of President Roosevelt and Wendell Willkie:

Hedda Hopper, film narrator: 'Roosevelt's suave Harvard delivery has lulled the nation to sleep for eight long years while Willkie's sincere mid-western twang has awakened us. Will Rogers' voice wasn't polished, neither was his diction learned at Groton. Harvard, but his voice was heard around the world and influenced millions.'

Conrad Nagel, actor-narrator: 'Roosevelt's concern is not what he says but how cleverly he can say it. Willkie's concern is what he says, not how perfectly he can enunciate it. Roosevelt gives a flawless, if sometimes hammy performance. Technically, Roosevelt is the better speaker, if you like oratory.'

Mann Hollner, producer of Maxwell House Time: 'My thoughts on the question are based purely on a technical standpoint. The radio does to Roosevelt what the camera does to a pretty girl. The President is radio-genic. From a production viewpoint it would seem that there is more preparation in Roosevelt's radio talks.'

Ken Carpenter, announcer: 'I believe radio elects presidents. President Roosevelt undoubtedly has the best selling voice on radio today and I would hate to contest with him in an audition. In recent weeks Willkie's voice and the production of his radio talks seem to have improved. All in all, his speeches seem to have approached nearer to what we call 'good radio'.'

Bob Burns, hillbilly comic: 'After living all my life among my kinfolks, Roosevelt and Willkie both sound Oxford to me.'

Irene Rich, dramatic actress: 'Every actor envies President Roosevelt his radio technique and beautiful diction. Perhaps if Mr. Willkie had the advantage of eight years of radio training he too might have developed the same ability.'

Manning Ostroff, program director, KFVB: 'If a Wendell Willkie walked into my office today for a job he would be turned down flatly. The job would go to a Franklin D. Roosevelt, who for ease, poise, sincerity and friendliness on the microphone is unexcelled. It isn't a matter of background or culture but the ability to transmit a vibrant personality without theatrics. Willkie slurs his words and rides roughshod over punctuation. Roosevelt knows his text, speaks with authority and reads as if he had read the script before air time.'

Down-to-Earth Speech of Willkie Impressive, But Groton Diction Okay

By LESTER REES

Minneapolis, Oct. 15.

Paradoxical as it may seem, President F. D. Roosevelt's eastern Groton diction apparently evokes a warmer response in this midwestern stronghold than the blunt, unpolished tones of Wendell Willkie. For effectiveness over the ether waves, as far as this community is concerned, the palm goes to the President by several city miles. And this applies to laymen as well as the supposed voice experts of the radio stars. They're almost unanimous—the Republicans as well as the Democrats—in preferring to listen to the F. D. R. mike effusions. And they don't find that Groton pronunciation and accent in the least irksome or displeasing. Quite the contrary, if the many people interviewed on the subject by this reporter are any criterion.

Candidate Willkie, however, may find some solace in a frequently expressed opinion that he's 'improving' as a radio speaker and that his apparent 'sincerity' and 'down-to-earth' qualities are 'impressive.'

Announcers and production department employees at WCCO, CBS station, agree that Willkie has 'natural wit, very warm personality and a good radio voice, but then they point out that he lacks the experience.' The WCCO consensus is that 'Roosevelt is a superb showman and gives a dramatic performance every time that he appears on the air.' They say that he sounds like a sophisticated person with great elegance of speech and that even wins the admiration and respect of the so-called roughneck element. By speaking slowly and making the most of timing and pauses, he builds up to the end of sentences in good broadcasting style, the WCCO staff feels.

'Midwesterners May Wisecrack About Diction But Still Envy It'

By VETA McMAHON

Wichita, Kan., Oct. 15.

Manager of one radio station: 'Roosevelt has much finer voice, pronunciation and diction. We want announcers here at the station that speak the English language as we know it here in central U. S. However, that doesn't always hold for newscasting—sometimes the public likes the eastern accent for that particular work.'

Coleman Ashe, program director KFBI: 'Although midwesterners may make sarcastic remarks about Roosevelt's accent and are liable to make cracks about it they respect his manner of speaking and probably envy it.'

Fred L. Allen, commercial manager of KFBI: 'The people of Kansas are more concerned with content than diction. Roosevelt has a decided edge over Willkie in his delivery as Willkie slurs many of his words.'

Peter Grant, Who Sounds Like The President, Has Only One Opinion

By JOE KOLLING

Cincinnati, Oct. 15.

Mikers in this normally rock-ribbed Republican burg go along with the general national feeling in giving President Roosevelt the nod over Wendell Willkie on the score of radio technique. Cincy's five stations newscasters find no particular fault with either White House candidate on pronunciation. They accept as localisms the R's dropped by Roosevelt and certain Indiana twangs of his opponent.

Well suited to comment on Roosevelt-Willkie speech is Peter Grant, chief for six years of the 14 announcers on Crosley's WLW and WSAL. Twice he has introduced Roosevelt on the air, last Saturday (12) night for WLW's direct pickup of the President's talk at Dayton, O., which Crosley's international station, WLWO, directed to South America. Grant also was the first to introduce Willkie on the air via WLW's special line from the Philadelphia convention when the Hoosier loomed as the G. O. P. choice.

Says Grant: 'Each of them is very fine and effective in his own way. Mr. Roosevelt has a radio manner. He is a polished gentleman at the microphone. He is calm, rarely raising his voice above conversational tone, and radiates a charming personality. Mr. Willkie expresses himself vigorously. He has a platform manner, probably a hangover from the days when he spoke without public address system or into a microphone.'

(Grant is the announcer who was cautioned by NBC two years ago about sounding too much like President Roosevelt in a series of programs for Avalon cigarettes that originated on WLW and spread to some of the network's stations.)

Tommy Thomas of KIRO Detects Willkie 'Talking Down' to Public

By HARRY T. SMITH

Seattle, Oct. 15.

Tommy Thomas, program director of KIRO, says: 'Local lay opinion points to decidedly bad Willkie impression in his radio talks, particularly when compared with the President. People here seem to feel that Willkie attempts to "talk down" in a manner that, to many of them, is a little bit too strained. Many seem to feel that Tom Dewey and other more loquacious Republicans should have taken over the radio stump. People wonder why the Republican National Committee had not anticipated this shortcoming.'

Allen Botzer, announcer at KIRO: 'In my mind there is no doubt that President Roosevelt is the outstanding public speaker of the day on radio—and I'm quite sure he's aware of it. When I listen to Roosevelt I am conscious of how he expresses an idea by inflection, intonation, emphasis, etc., as I am of the idea itself. On the other hand, Mr. Willkie expresses his ideas in a down-to-earth midwestern Americanese that would seem to indicate concentration on the idea itself, rather than the method of conveying it. Roosevelt knows how to utilize a microphone; Willkie does not, as demonstrated by the fact that he lost his voice and had to be under doctor's care on his western trip. President Roosevelt persuades; Willkie drives. Any ear is more susceptible to a pleasant, well-modulated voice than it is to a strident, harsh voice. If this election is to be decided on voice personality alone, there seems to me no doubt that President Roosevelt would win hands down, but then of course, such is not the case.'

Carroll Foster, announcer at KIRO: 'Mr. Roosevelt is best spoken of when he speaks for himself—else he could hardly have become the nation's number one showman. Radio is the natural medium of expression for his charm—his personality. Has he not the most persuasive voice in radio today? His diction is more nearly that of an all-American spokesman than that of Mr. Willkie. Mr. Willkie's represents Indiana.'

Milwaukee Sees F.D.R. Ahead But Only Because He 'Studies Medium'

By HARRY E. BILLINGS

Milwaukee, Oct. 15.

In Milwaukee, WTMJ's staff of seven announcers, speaking strictly from the voice angle and not politically, agreed 100% that Roosevelt has it all over Willkie for diction, pronunciation and delivery via radio. The difference between the two candidates' speech as it comes over the air is, in their opinion, not due so much to Roosevelt's eastern culture and Willkie's midwestern background as to the fact that the President, more appreciative of radio's influence, has given the technique great study and never lets his voice wander from the mike whether he is alone in the White House or before an audience, while Willkie, at his best before a crowd, loses a lot in his radio delivery by turning first one way then another while talking. Roosevelt never forgets that possibly millions are listening in, while Willkie talks only to the crowd he sees before him. It is generally agreed that Willkie has greatly improved his radio performance since the start of his campaign. WTMJ announcers are schooled in five principal points in their work—quality, flow of speech, pronunciation, enunciation or diction, and personality.

Chicago Trib's 'I Hate Wah' Rib At Roosevelt One Side of Case

By DAN GOLDBERG

Chicago, Oct. 15.

Primary objection to Willkie's radio appearances is his sloppy pronunciation and his undue haste. Radio announcers and performers feel that Willkie's constant tendency to rush over and slur his words is an unforgivable radio fault. They refuse to accept 'It'll' for 'It-a-ly.'

There is an agreement that Willkie has the basis of a good, forceful radio personality, but that this is spoiled by haphazard vocal technique. There is objection to his diction, to his delivery and even to his choice of words which are deemed much too untutored to fit in with the public picture of a presidential aspirant.

In the trade there is a feeling that Willkie is trying to get

down to a level, while the belief is that the public doesn't want its President to come down to them, but to stay up where he can be looked up to and admired, even envied for his intelligence and educational background.

There is an overwhelming preference for Roosevelt diction, despite the constant satirizing of this accent by the Chicago Tribune which refers often to the President's well-known remark as 'I hate Wah.'

'Folks' a Standard Salutation In Open-Minded Nebraska Area

By JAKE RACHMAN

Omaha, Oct. 15.

Discussing newscasting objectives here in the midwest, Foster May of WOW, said: 'We try to keep well within the idiom of our section. The midwest has a certain style and I remain within that style as far as practical. I try to use the language of the midwesterner and in pronunciation of foreign names and places, our policy is to give them the correct pronunciation. We do not care to Anglicize a foreign name. Our aim in this regard is to make WOW authoritative in the pronunciation of proper and geographical names around the world and you can't do that by playing around with pronunciations.'

At KOIL, Bruce Wallace sees Roosevelt as a practical radio speaker who has learned a great deal about the business. 'Without going into the merits of what he is saying and judging purely on his voice and air personality, Roosevelt shows he knows the value of such technique as intonation, timing, pronunciation, etc. Willkie is still learning, but he is improving. Radio speaking is an art all by itself and the sooner many speakers learn that fact, the better it will be for them. You have only one channel, the ear.'

Midwesterners like a sharp, but not belligerent style. 'They like an announcer to be forceful and clear all day long. Hence, the frequent use of the word "folks" in all midwest broadcasts. There are no cut and dried rules here except that the announcements shall be clear and unmistakable in their meaning.'

Bernard Fenner, program director, announcer, actor, writer, etc. for KOWH said: 'Midwesterners as far as I have observed, are liberal in their acceptance of Roosevelt's eastern accent. Out here on the prairies we know that all people do not talk alike and make allowances. Willkie's blunt and strong voice is in his favor. The folks like that about him and his strong presentation of his points.'

General public reaction here is liberal to both candidates. When they are on the air, you can hear their voices booming out of every set. Midwesterners, it is apparent, great for 'giving the fellow a chance.'

'Roosevelt Could Sell Buggy Whips In Detroit'—But Maybe Not St. Louis

By SAM X. HURST

St. Louis, Oct. 15.

Arthur T. Jones, program director at WEW said: 'The "marksmanship of the microphone," Franklin D. Roosevelt, has finally met his match. After the shooting is all over in November, Americans will have gained a new appreciation for typical American speech. Up and down radio row the President is considered the "superman" of radio salesmanship. His distinctly eastern enunciation and perfectly modulated voice, his smooth and sly eloquence, have caused many in the fraternity to say that he could sell buggy whips in Detroit.'

'But I wonder now if even radio's mind isn't about to be changed. Though his voice and delivery differ widely from the master of the mantle, I think Wendell Willkie is every bit as effective. His unadulterated midwestern speech is the pure speech of America. His individualism, heart-warming sincerity and resoluteness are typical of the "man on the street." Give him a few more tries, a few more hours before the "mike" and Wendell Willkie will surpass the incumbent with flying colors.'

No Particular Prejudices on Vocal Timbre Unless It's a Dialect

By R. W. MOORHEAD

Des Moines, Oct. 15.

The announcers at WHO hold a meeting every Saturday at which time they discuss criticisms of their own work. Last Saturday they had a discussion on the very subject of VARIETY's round-up.

The announcers agreed that President Roosevelt has the ability to make his talks very informal, in the conversational manner, and with every indication of sincerity—that because of the informality of presentation the meticulous enunciation and diction are not held to be superficial by the average listening audience.

According to the announcers, they feel Mr. Willkie, accustomed to facing large crowds, raises his voice quite naturally under the circumstances of his desire to be heard by everyone, but that his homely, down-to-earthness, coupled with the colloquialisms of the midwest, give his radio talks a familiarity that makes for sincerity. The announcers believe that both men arrive at the same place, but in a different way, and they believe both are equally effective in their final objective.

'Roosevelt Like Barrymore While Willkie's Like Wallace Beery'

By GEORGE WIEDERHOLD

Louisville, Oct. 15.

S. E. Ciser compared the voice quality of Roosevelt to John Barrymore, and that of Willkie to Wallace Beery, making the point that while the trained speaker makes the listener conscious of his training and background, the more natural, even tho' raspy and earthy tones of a Beery, will establish something of the character of the man and thus make a strong impression for sincerity with a great number of people.

EDWARD G. ROBINSON
With Ona Munson, Leith Stevens,
conducting
Drama
30 Mins.
LEVER BROS.
Wednesday, 8 p.m.
WABC-CBS, New York

(Ruthrauff & Ryan)
Rinso ushered in his fourth season with Edward G. Robinson with a patriotic interlude. Only thing that's different between this and last season's 'Big Town' series is the night of the week. Tuesday, it is. Tuesday, it is still the vocally harp-punching editor of the 'Illustrated Press.' Ona Munson continues for the second year as his femme Watson, but with the romantic angle now pretty well muffled. And the general composition of story, pace and acting is as dynamic as ever. The incidental music, as fashioned by Leith Stevens, is also uniformly effective.

Introductory stanza proved a skillfully contrived homily on the theme of Americanism. The particular angle, a highly timed one, was tolerable. The series, however, is a born in this country who, as the script put it, are trying to be good Americans. In its plea against indiscriminate hounding of this element, the drama sought to dramatize the subject by relating the patriotic part that men with the name of Pulaski have played in the history of the United States. The converted villain in the piece was a bunch of toughs given to smashing the windows of merchants with foreign names. Curiously, the ring-leader of the gang was a kid named Odece. Robinson delivered his usual fadeout peroration. In this he described tolerance as decency and fairness in dealing with people within our border.

This plug, as voiced by Ken Niles, and in this instance, with the testimonial support of his wife, harped on Rinso's latest merchandising point, the claim that it's 98% free of the soap dust that causes sneezing. Odece.

SAN FRANCISCO SYMPHONY
With Gaetano Merola
One Hour
STANDARD OIL CO. OF CALIF.
Thursday, 8 p.m.
KFRG-MBS, San Francisco

(McCann-Erickson)
Off without a hitch was the Standard Oil account on KFRG and the Don Lee web. Shifting from NBC to KFRG 13 years ago, the chain, the oiler is the important bit to note on KFRG's way. Staff has been nervous for weeks; worrying over mike setups, script, announcers, etc.

Gaetano Merola and his San Francisco Symphony, playing brilliant Mel Venter's announcing was right and Pat Kelly's script was brief and intelligent; the pick-up from the start of the Concerto in the Playhouse thanks to engineer Charlie Concanon, was flawless. The whole thing came out bright and listenable.

Commercially are cut to the barest announcements, the tagline 'Standard Symphony orchestra' carrying most of the burden. The commentary on the numbers likewise is short but meaty, informative rather than interpretive. Type of music favored can be judged from opening discs, which included portions of Brahms' Fourth Symphony, Strauss' Emperor Waltz, a bit of Beethoven and Rossini and for selections from the Playhouse, Bagpipe Player, Bohemian opera.

Station's general manager, Bill Sabst, is personally producing. A postwar violinist heard, and, through rehearsals with a score on his lap. Wern.

'QUIZ OF TWO CITIES'
With Mark Goodson, Reed Kilpatrick
30 Mins.-Local
NOXEMA
Friday, 8 p.m.
KFRG-Don Lee, San Francisco

(Ruthrauff & Ryan)
Part of a locality vs. localities series for Noxema since the New Haven-Hartford and Manhattan-Brooklyn teams already reviewed. Frisco won the initial set, 77 to 75. In KJH studios, for Reed Kilpatrick candidate as set of stumblers; then lines are reversed while Mark Goodson feeds identical set to Frisco victim at KFRG. Only the radio audience and judges hear both replies. Each person interviewed gets \$2 and a jar of Noxema products. Four rounds complete the party, with commercials liberally sprinkled between, before and after. Winning team gets added bonus of \$12.

Premiere program (11) had Mayor Angelo Rossi, Frisco and Mayor Fletcher Bowran on Los Angeles using respective teams to victory. Participating on Frisco end were Chester Johnson, News rewrite; Helen Cevelli, News society; Pat Frayne, Call-Bulletin sports and Edith Ervin, Call-Bulletin women's ed. L.A. attributed Agnes Underwood, Herald-Express, crime reporter; Walter Cochran, time reporter; Helen Penny, News fishing ed and Floyd Simonson, Citizen-News rewrite. Wern.

Helen Hyatt did an NBC broadcast from Madrid on Columbus Birthday. She was one of network's Paris minkers before the fall of France.

'BOYSTOWN ROUNDUP'
With Father Flanagan, the Boystown Band, Scoops Cerny and the Boystown Choir
Orphanage Program
30 Mins.-Remote
Sunday, 3:15 p.m.
WLW, Cincinnati

Put out intentionally as a feeler with a coast-to-coast hookup is the idea the program ticks off all this one by kids for kids cantered across as a likely winner on its opening effort. That is, of course, if material of this kind, of the initial trip, can continue to come from Father Flanagan's home for boys.

Program was wired from Boystown, near Omaha, to Cincinnati, and from the opening march to the heart-tug hum of 'Home Sweet Home' by these motherless moppets as a finale, it was a program that packed human values. Youngsters have a song of their own, 'Boys Town,' that has a sweet, sentimental, and a Negro spiritual, too, that had its moments.

Announcer, called 'Bud' by the kids, moves them smoothly through their paces, and one named Scoops Cerny, who edits the Boystown Times, runs through a Winnie-the-Pooh routine, even to the tucker. Some of his 'scoops' were good to hear. He told of two former Boystowners having been in the freshman team at Yale and let them know it was Bing Crosby's alma mammy. He told of another Boystown grad who is now a trombone 'champ' in Horace Heidt's band. The Boystown team won its 37th consecutive football game, not dropping one in six years, during the week, and he told the world about that once again. The sort of news that only Boystown boys that should have appeal if the public's imagination can be fired.

Father Flanagan kept himself in the background until well into the second half of the program, and his talk was chiefly by way of answering queries as to how to deal with boys. One mother claiming her boy read all the time wasn't praised for it, but was urged to let him to play or if he wouldn't do that to bring other boys in.

Only sales talk was a reminder that Boystown receives no financial aid from any community chest, church or governmental agency and is wholly dependent on its friends throughout the country. Father Flanagan told how he started out with a borrowed \$90 some 25 years ago. He said he was in \$1,000 in debt, but it doesn't worry him.

He has a delivery reminiscent of Roosevelt if the Prez had been raised in Dublin instead of Dutchess county. It is a strong, soft voice and gives the part of a free test of his with boys. He lets them run Boystown completely, even to the doling out of punishment, the worst of which is to sing with voice bars to a good song during show. The good padre thinks it's a barbarous punishment, but the boys vote it after trial-by-jury and he has nothing to do with it.

Radio program is costing Boystown \$1,000 a crack, and here again Father Flanagan prefers it to 'free time,' arguing you only get what you give. Part of the success with this habit of bouncing all over the place, which kills the chance of building up a growing audience.

Cinch that a few more like this opening hour will not want for angels to carry the overhead. There are many things which could be sold along with Boystown without in any way conflicting with the program of goodest father, of the biggest flock of youngsters in our time—4,500 of whom have made good.

Padre's contention that there is no such thing as a bad boy might find some bumper and wage tycoon willing to split the billing.

Considering how 'bad' boys are smacked about in other parts of the country, the loving kindness evident in this program is a fine idea. Sunday afternoon sermon—without the sermon. That's where its showmanship is smartest. Scully.

(A 'Boystown of the Air' program began broadcasting locally over WGAR, Cleveland, on Oct. 5.—Ed.)

'WINGS OF DESTINY'
With Don Gordon, Art Film Melodramas
WINGS CIGARETTES
Friday, 10 p.m.
WEAF-NBC, New York

(Brown & Williamson)
This is a radio program an astute bringing together of proven modern hokum values. Prescription calls for a big dose of giveaway, a jingle-writing contest, a prize airplane, a prize away on each program; the telephoning-the-winner manner of 'Pot o' Gold.' The tieup is four ways: program title, 'Wings of Destiny,' WINGS CIGARETTES, and a Piper '65' trainer plane through which winners can earn their wings, and finally, the plot, cast and story in the sky, melodrama on the wing.

The program may be presumed to aim at an air-minded generation, young enough to see only the excitement of the prize airplane. In fact, fiction is now a standard commodity on the literary and radio market. Production-wise, the show is clear, straight, and simple. It's of the magic level. Fu Manchu strain of fantastic happening. Land.

SHIRLEY TEMPLE
The Little Rebel
With Claude Rains, Preston Foster, Frank McLaughlin
Four
LUX
Monday, 9 p.m.
WABC-CBS, New York

(Walter Thompson)
Shirley Temple, who did not appear commercially on the air during her 20th Century employment, has now taken time off from her premieres and schooling to do a little gig for Lux. It was a smart booking for the soap program and served to remind the fans that the kid is still around and still, incidentally, quite a girl and quite a performer.

Hard-boiled ears, that wouldn't be listening anyhow, might consider the Little Rebel pretty dreary stuff at this late date. Every scene, almost every line can be anticipated. It is creaky playwrighting of the 1932 variety and the radio adaptation is little more than a plodding material. It was plodding, obvious and an indifferent vehicle. However, all this probably doesn't have much bearing. The idea was to have Shirley Temple do her stuff and she did it.

Land.

'AIR-ORATORIALS'
With Glenn Conroy
15 Mins.-Local
Dr. L. R. CLARKE
Monday, 5 p.m.
KIRO, Seattle

Formerly in charge of the music library at KIRO, Glenn Conroy started several weeks ago with this new feature series about nobles, inventions, patents and how their originators contrived them. Show has recently been taken by Dr. L. R. Conroy, local dentist. Conroy gets his facts from newspapers and magazines, putting them into simple radio terms, occasionally even working in mild humor.

Spieler has a breezy mike delivery. He is usually the in the commercials with the main topic of each script. Smith.

Advancing the Art of Radio

1. *Lynn Fontanne's 'White Cliffs' Is An Ear-Opener in Narrative Verse with Music.*
2. *'This Precious Freedom' Illustrates the Eloquence 'Democracy' Programs Need.*

By ROBERT J. LANDRY

Not long ago Alfred Lunt and Lynn Fontanne appeared for the first time on a radio program. The occasion was a big Red Cross rally. They demonstrated a great natural talent for the greatest of all mediums of mass impact—radio. The broadcast delighted but scarcely surprised the millions of tons and readers of this unique couple. There is now a possibility of a regular Lunt-Fontanne radio series, which, if it materializes, should certainly stimulate interest in refinement of tone and reading as applied to the youngest of the arts. Meantime, Miss Fontanne, alone save for a brief introduction by her husband, reappeared (sustaining) in a radio series, which she gave on the NBC web network a reading of a narrative verse-story, 'White Cliffs,' about England and English character written by Alice Duer Miller and given musical bridge by Frank Black. It was broadcast at 6:30 and proved to be an exciting, splendid and moving bit of drama, engrossing in itself but notable for the form it represented.

Radio, which endlessly repeats the same program patterns, learned from Miss Fontanne's perfection of timing and emphasis and modulation how it is possible to have a half-hour of program with nothing but one fine voice, a fine script and some orchestral punctuation. Of course, it may be quickly observed that it is difficult to find either the voices or the scripts that can carry the weight and go the distance. Granted, but the day may come, etc., etc.

Alice Duer Miller's free verse represented delicate fingering of the chords of tangled sentiment implicit in an American woman marrying an Englishman in 1914, losing him in the war, and then, in a memorable scene, she told her English son. Told in the first person as half-soliloquy, half chorale, the work is tender and vivid. The American woman's love for England even while realizing she can never truly be an Englishwoman, is poignant stuff. It has a half-hour of program with nothing but one fine voice, a fine script and some orchestral punctuation. Of course, it may be quickly observed that it is difficult to find either the voices or the scripts that can carry the weight and go the distance. Granted, but the day may come, etc., etc.

It was a half hour that pushed radio ahead.

Holding in the Author

In trying to ride two horses there is always some risk of falling and the radio is no exception. In view of the present interest in 'democracy' radio programs, it may serve as healthy provocation to put the Arthur Oboler script for 'This Precious Freedom,' as broadcast Friday (11), in the ring beside the Margaret Leverett script, 'The Lost Colony,' as broadcast the week

'CANADIAN HOLIDAY'
With Gracie Fields, Malcolm LaPrade
Talk, Songs
30 Mins.
CANADIAN GOVERNMENT
Thursday, 8:30 p.m.
WJZ-NBC, New York

Composition of this program may be great shakes with the governors of the Government-owned railroad lines in Canada. It is doubtful whether similar enthusiasm will strike Americans with a yen for touring across the border. The program is almost as dry and staid as a meeting of this self-same board. Only thing that gave the sample caught (10) any entertainment or tang was the few songs Gracie Fields interpolated. She was on for eight minutes, which made the program's plug content 22 minutes.

The m.c. and narrator on this series is Malcolm LaPrade, who for years did a one-man travelogue on the main network for Cook. His monolog was limited to 15 minutes. It was colorfully phrased and pleasantly backgrounded with organ music. In the case of the series backed up by the Canadian Government Travel Bureau explorer personalities from Canadian history are paraded one after another via the radio. The m.c. and narrator tell their stories in the first person the profusion of place names makes more for confusion than for curiosity. Some purpose could be carried out by dramatizing a few of these episodes and with good actors.

Only choice bit of across-the-border news came from Miss Fields, who is heard not as a Canadian but a performer who came out of an English provincial town and skyrocketed to fame in the last World War. Her mike appearance did anything but bring out her personality in all its dimensions, but Miss Fields' unique talent still got through as she fed 'em such tidbits from her old repertoire. He is usually the in the commercials with the main topic of each script. Smith.

Odece.

Advancing the Art of Radio

1. *Lynn Fontanne's 'White Cliffs' Is An Ear-Opener in Narrative Verse with Music.*
2. *'This Precious Freedom' Illustrates the Eloquence 'Democracy' Programs Need.*

before duPont's 'Cavalcade of America.'

The contrast is not between the mere dulcet lilt of water and the merit of Miss Leverett as writer. The contrast is between a writer who has a contract that permits him to have and use his own ideas and a writer who must obviously be 'reasonable' to the requests and suggestions and timidities of corporation executives. 'This Precious Freedom' was not afraid to take sides and to deal with modern questions. In consequence, it was eloquent. 'Lost Colony,' and most of the duPont scripts are insistent on rationalization. They lack passion inwardly. Worst of all, they stop at the Rutherford B. Hayes administration.

If radio is really going to rise to its ideological opportunity—and it most assuredly ought to—'democracy' has to be translated into terms a little closer to 1940 than glorification of pioneer frontier. duPont tried to save the difference in Robert Sherwood's 'Lincoln' (try to make 'suggestions' to Sherwood!) and surely, in all the tortured experimenting to find better radio ways to glorify democracy, the radio adaptation often been a diamond with more flaws than facets after the 'don't-say-that' or 'that's-controversial' cutting has been done.

Oboler's script concerns an American citizen who went into the woods for a long vacation. Purposely he read no newspapers, heard no radio, saw nobody. On the return back he finds that the United States has been conquered by what are obviously German bigwigs. Most of the action concerns his efforts to make a cowed and paralyzed citizenry tell him what has happened. He finally gets the news in short bits from the thoughtless boys.

While part of the script was slow and some of it vague to unintelligibility (Raymond Massey carried the lead expertly), in the climax when the action concerns his efforts to make a cowed and paralyzed citizenry tell him what has happened. He finally gets the news in short bits from the thoughtless boys. While part of the script was slow and some of it vague to unintelligibility (Raymond Massey carried the lead expertly), in the climax when the action concerns his efforts to make a cowed and paralyzed citizenry tell him what has happened. He finally gets the news in short bits from the thoughtless boys.

TONY WONS RADIO SCRAPBOOK
With Shirley Sadley, Lewis Rowen, Irma Glenn
30 Mins.
HALL BROS.
Sunday, 8 p.m.
WABC-CBS, New York

(Henri, Hurst & McDonald)
Tony Wons is back again with his familiar brand of soulful poetic readings and philosophizing. It's a program that's inspiring to a sizable audience and they include a few dialers to throw things. Opening with a 'Humoresque' theme by an organ and closing with 'I'll See You Again,' Wons still begins his spiel with 'this is your listener's' saying, says he intends to 'bring a little joy and cheer into your life,' and thereupon unravels sentimental verbal tangles.

Sponsor is Hall Bros., plugging Hallmark Greeting Cards, and Wons himself reads the blurbs, one on the opening program (13) stressing the idea of making people happy by remembering to send them greeting cards on birthdays, etc. Shirley Sadley warbles a tremolo song and a couple of bars in the opening and closing. Wons still begins his spiel with 'this is your listener's' saying, says he intends to 'bring a little joy and cheer into your life,' and thereupon unravels sentimental verbal tangles.

Hobe.

'GANGBUSTERS'
With Norman Schwarzkopf
Crime Stories
30 Mins.
SLOAN'S LINIMENT
Friday, 9 p.m.
(WJZ) NBC, New York

(Warwick & Legler)

'At 9 p.m. 'Gangbusters' will cause less furore as a 'moral program' than clasp this. This is a matter of the clock's bedtime. Never offered as a kid show, per se, 'Gangbusters' has nevertheless always had a kid audience and has given them, so said the sponsor, Sloan's Liniment, a series of criminals and lessons in the tricks of their trade. In returning to the air under Sloan's Liniment sponsorship, it remains to be seen what the police with telltale marks that bespeak the awareness of this criticism and of efforts to counteract one point of view by encouraging another. The show has previously achieved under other advertisers a considerable success. It is the wish to capitalize on this success that prompts the new series. The success story is greater than the supposed risk.

Actually the world may be too busy this season with more important matters for the 'Gangbusters' issue to flare up anew. Meantime, it remains to be seen what the police with telltale marks that bespeak the awareness of this criticism and of efforts to counteract one point of view by encouraging another. The show has previously achieved under other advertisers a considerable success. It is the wish to capitalize on this success that prompts the new series. The success story is greater than the supposed risk.

Cases from various cities are used, presumably with actual names and dates and usually achieved under other advertisers a considerable success. It is the wish to capitalize on this success that prompts the new series. The success story is greater than the supposed risk.

Land.

'QUIZ COURT'
With Ben Bezoff, Larry Lawrence, John Scott
Audience Participation
30 Mins.-Local
SEARS, ROEBUCK
Sundays, 3 p.m.

WHL, Niagara Falls, N. Y.
Lively half-hour borrows from Ben Bezoff's 'Quiz Court' and from the 'Sears' 'consequences' ending. Result is swift-moving show that picks contestants by number from studio and home and asks them to select a court-room style. Wrong answers get 'sentenced,' such as describing one's charms while licking an all-day sucker or the trifter proposal of marriage by a womanizer.

Bezoff is 'Judge,' Lawrence is prosecutor and Scott as court clerk spels for the sponsor. Noteworthy is glib manner in which commercials are woven into the show. Not a formal spiel anywhere, but as each merchandise prize is handed out a brief, punchy line describes the article and gets in Sears' plug.

Shots don't suffer for lack of imagination, but session caught (13) found cast playing too obviously to studio watchers. Little more delicacy might be exercised, too, in playing quizzes for a womanizer, who is a WOKO sales rep for a local station, though. Betz.

RUTH HOWARD
Chatter
15 Mins.-Local
FLEISHMANN'S STORE
Friday, 8:15 p.m.
WOKO Albany

Daughter of Comedian Tom Howard possesses nice voice and delivery. Rather unpretentious program, but session caught (13) found cast playing too obviously to studio watchers. Little more delicacy might be exercised, too, in playing quizzes for a womanizer, who is a WOKO sales rep for a local station, though. Betz.

DRAFT ELIGIBLES NUMEROUS IN RADIO, NOTED AS A YOUNG MAN'S INDUSTRY

Some Agencies Theoretically Could Lose Whole Radio Department—But Boys Married Young, Too—Announcers Most Eligible

As expected, radio broadcasting stands to lose a particularly large percentage of its more or less prominent personnel in the military conscription. Broadcasting has long been noted for its youthful executives, many of them who came in as office boys when radio wasn't taken too seriously. They got important when radio did and now are still on the drilling side of 36.

Certain advertising agencies, a check-up by VARIETY reveals, stand to lose—theoretically—every member of their radio department. However, the law of averages would act as a brake on such a wholesale loss while the young executives in considerable numbers also married young and have their share, or better, of offspring.

What goes for the agencies is likewise true of stations. Announcers in particular are youthful, also engineers.

These are some of the men eligible for draft:

N. W. Ayer

Richard Bunbury.



FRED ANDERSON

IVY AND ELLINGTON, INC.

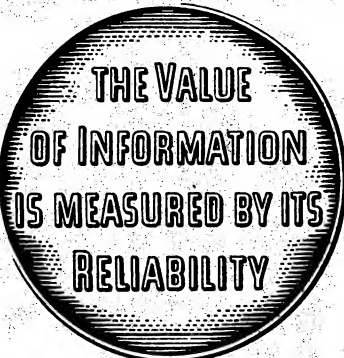
IF JACK DE RUSSY DOESN'T POP IN SOON AND BEND YOUR EAR ABOUT THE SUPER-DOOPER KYW HAS LOOSE FOR BAYUK, WE'LL DISPOSSESS HIM OF HIS KYW ALUMNUS CARD AND SUE FOR NON-PAYMENT OF DUES.

SERIOUSLY, WE'VE GOT A RIPE ONE JUST HANGING ON THE VINE FOR YOU.

Sincerely,

Griff Thompson

WESTINGHOUSE
KYW RED network station in PHILADELPHIA



Nine words—defining a basic principle that for eight years has permeated the work of the John Blair organization in its relations with advertisers, agencies and radio stations.

JOHN BLAIR & COMPANY
National Representatives of Radio Stations

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Frank Kemp.

Many in Albany District

Albany, N. Y., Oct. 15.

Many announcers, technicians and staffers of WGY, WOKO-WABY and WTRY will register Wednesday under Selective Service Act, but dependents will reduce the number likely to be the least affected of the four. However some of its control and transmitter men, as members of Naval Reserve, may eventually be called. Only one WGY announcer among registrants is unmarried.

Proportion of possible inductees is larger at WTRY, especially among technicians. Troy station employs a lone teacher for announcer. WOKO and WABY in Albany have five or six speakers in the single class. One of its engineers is an officer. Kolin Hager, WGY manager, and Harold E. Smith, general manager of WOKO-WABY, are World War veterans. So is Willard J. (Bill) Purcell, WGY chief engineer.

Conscripts First—Searle

Lincoln, Neb., Oct. 15.

Don Searle, g.m. Central States Broadcasting System (KFAB and KFOR, Lincoln, and KOIL, Omaha), has issued instructions that all conscripts will have their jobs held for them, and each replacement hired will be given the understanding that he is filling only the breach, and unless he can be taken into the organization when the conscript comes back, will be moved out.

WGRC's Girls Take Over

Louisville, Oct. 15.

Borrowing an idea culled from last week's issue of VARIETY, S. E. 'Steve' Cislser, general manager WGRC, is 'manning' his station staff with femmes, and giving the male personnel the day off to register for the National Selective Service. Calls will take over all duties from opening until sign-off, with the exception of the operator's job, which none of the sex is qualified to fill.

Miss Charlotte Falkner, of the station staff, was quite confident Saturday (12) that she and her co-workers could handle the assignment, but was worried about proper handling of the baseball season, as these come in code form, she not knowing that the baseball season has been over for some time.

All Within Draft Age

Detroit, Oct. 15.

WR's entire staff of announcers are within the conscription age. Radio being a young man's biz. General Manager Leo Fitzpatrick has issued an order that they be given the day off for registration. Their places on the schedule will be taken by girls of the staff.

Fitzpatrick previously announced all drafted men would have their jobs back at the end of their military service.

A scattered list of network personages within the military age includes such names as:

Buch Beville, Jr. (NBC).
John K. Churchill (CBS).
Peter Goldmark (CBS).
Lester Gottlieb (Mutual).
Sheldon R. Hickox, Jr. (NBC).
Leonard Jole (CBS).
Henry Howard, Jr. (NBC).
Norval Kelly (NBC).
William Kovels (NBC).
Gerald F. Maulaby (CBS).
Howard S. Melman (CBS).
Leroy Pussman (CBS).
Walter Pearson (CBS).
Herbert Rosenman (CBS).
Robert A. Schmid (Mutual).
Robert E. Shelby (NBC).
Paul M. Smith (CBS).
Frank Stanton (CBS).
Herbert Inyard Swage, Jr. (CBS).
Davidson Taylor (CBS).
Reginald E. Thomas (NBC).
Wallace Ambert Walker (Mutual).
Fred Weber (Mutual).

Floyd Keesee, WBNY, Buffalo, sports announcer, handling p.m. mike at Buffalo Indians' pro grid games.

Coast Indies Send Up Loud Wail At NBC (Blue) Sew-Up of Rose Bowl

Hollywood, Oct. 15.

John Swallow's 'sneaker' in sewing up the Rose Bowl football game in Pasadena New Year's Day for NBC's blue web has blown up a tempest, and not of the teapot variety, either. Every station in southern California except the blue outlet here, Earle C. Anthony's KECA, is complaining of the freeze-out.

Local indies justify their squawk by claiming some of the credit for building the original Bowl game into its national popularity by consistent plugging over the years. Nor are the other networkers here exactly pleased with the treatment. Should the lock-out hold after all protests have been sifted and found wanting, one operator has loosed the threat of broadcasting the game from a blimp circling the gridiron overhead, with the play-caller equipped with strong binoculars. This, if carried out, should make for a novel situation.

Swallow, NBC's western division program chief, put it to the Tournament of Roses committee cold this year—"we get it exclusive or we won't touch it." Last year the game was thrown open to everyone and, according to the committee, got a good kicking around. Details were not immediately forthcoming, and the Pasadena indies did not care to elaborate. Anyway, Mutual passed up the grid classic for Frisco's East-West charity game, and Columbia gave it national coverage up to a point where it didn't interfere with commercials back east. So runs part of the reason for giving the 1941 game to NBC whole-hog. NBC promised full and complete coverage on the Blue span, backed up by a heavy advance bally for the game and Tournament of Roses parade.

Laying Off in Toto

Say the peeved indies and net affiliates, we won't even touch the parade or the Coronation Ball or the Kickoff Dinner. That is not altogether surprising, as coverage of those events is part of the football package. In other words, no parade, no game.

Repeat English Stars' Messages to Americans On Shortwave Oct. 19

The British Broadcasting Co. will repeat on Oct. 19 its 'Calling All Stars' program in which prominent personages of the stage and screen in England send brief messages to others in New York and Hollywood. The repeat will be at 8:15 p.m. (New York time) and 5:15 p.m. (Pacific time) this Saturday on the 25 and 31 metre shortwave bands. Under the production supervision of Cecil Madden.

Names involved include Darryl Zanuck, Janet Fairbanks, Norma Shearer, Helen Hayes, Ruth Gordon, Herbert Wilcox, Anna Neagle, Arthur Loew, Ida Lupino, Arthur Schwartz, Katharine Cornell, Guthrie McClintock, Edmund Gwenn, Douglas Fairbanks, Jr., Cole Porter, Millie Brook-Elsie Torrence, Heather Angel, Mrs. Enyn Williams, Alex Woolcott, Alec Templeton, June Clyde and Louella Parsons.

Swicegood at WKPT

Kingsport, Tenn., Oct. 15.

Jesse Swicegood has become managing director of WKPT in a general reshuffle of the station's personnel. Swicegood comes from WAGA, Atlanta, and succeeds Harold Gray.

New staff includes Steve Douglas, program director; Mary Massengill, continuity writer; and Joe Tipton, Warren Denniston and H. E. Lane, salesmen.

SHAW WIDENS CFCF BASE

Montreal, Oct. 15.

James A. Shaw, manager Station CFCF, is widening sustaining program activity with additional writing and vocal talent recently added. Among newest productions (starting Oct. 14) is 'For Ladies Only,' half-hour morning show, daily except Sunday, with Roberta Beatty featured as femme spieler.

Miss Beatty has been active in local strawhats and has appeared in Theatre Guild (N.Y.) and NBC Radio Guild productions.

Networkers, especially Don Lee, don't savvy the 'four free' angle of the arrangement. Rose Bowlers have announced that no money is involved in the sew-up, yet last year they snubbed Don Lee's offer of \$25,000 for an exclusive on behalf of Gillette. Another razor outfit, Schick, also put in a bid. All overtures were met with 'not interested,' although it was whispered that ears would prick up at an offer of \$50,000. The quotation never got past 25G. Understood reason behind committee's disinterest in sponsorship of the game is the meagre cut that would be left after the contesting teams carted off their percentage of the payoff. Bowl receipts are split three ways, with the footballers getting theirs first after the nut is cracked.

The die is cast, say the Pasadena nabobs, and there's nothing the others can do about it. Nothing else but carry other Bowl games to compete against the Coast article.



A Trim Figure!

Now

250 WATTS

18 Full Hours a Day

Announcing a power increase to 250 Watts day and night that will WHIZ your sales message along in grand style. Coverage curves of downright class focus close attention from 52,229 radio homes in the Southeastern Ohio market, of which America's typical city of Zanesville is the hub.

And still working on trim figures—our basic daytime 15-minute rate remains at \$18.50. That's buying radi time, where it produces, at a real bargain.

WHIZ
ZANESVILLE, O.
NBC RED BLUE

Ask a John Blair Man

DOORS LOCKED, FCC MILDER

SOME SYMPATHY FOR SHORTWAVE

Although Monday's Meeting Opens on Dictatorial Note With Press Excluded the Operators of International Stations Get More Than They Hoped

RED TAPE

Washington, Oct. 15.

Fuss kicked up by broadcasters a year ago when idealistic rule-makers decreed that short-wave outlets must radiate 'culture' and 'good will' is likely to pay an added dividend. Awareness of the embarrassment which led to indefinite suspension of the previous vague regulation has apparently slowed down the Federal Communications Commission attempt to shackle all DX-ers in order to prevent 'possible misuse' of their facilities by alien propagandists, spies and agitators.

Though the war hysteria has died down measurably, the FCC brain trust group did some second guessing behind closed doors Monday (14). After announcing that only special guests could attend, the impetuous reform element drew a deep breath and listened attentively to the arguments and mild demurrers by representatives of international operators. Serious consideration was given the viewpoint of the individuals who will have to comply with the proposed stiffened requirements, and some modification of the initial suggested rules looks certain.

Ban Public Prints

Hush-hush way in which the Commish underlings went about parleying with the industry people was extraordinary. In the past, at semi-legislative conferences of this nature, there never has been any attempt to throw a wall of secrecy around the exchanges of views. Most of the informal sessions about changes in existing regulations previously have been attended by the press—except in instances where the subject matter was too technical or trivial to warrant wasting time taking notes. This one was different. Besides slamming the door in the faces of both trade and daily newspaper scribes, Gerald Cross, of the Commish international department, made all participants take the pledge to keep their lips sealed. Ostensibly so the Commish first could hear result of the deliberations direct from staff members, rather than through the papers. (This concern was in sharp distinction to the way in which the tightening up effort was launched; proposal to require advance scripts, translations, and recordings never was laid before the full body until after licensees had received summons to the huddle).

According to info from behind the closed doors, the lawyers first were inclined to be tough, and use the same kind of table-pounding tactics which caused great humiliation on a few previous occasions. In the end, however, cooler heads among the Commish whipcrackers predominated and a tentative agreement was entered by all conferees. Change of front startled some of the industry negotiators, who have been used to hearing '... or else' ultimatum.

While astounded by the degree of courtesy, industry people felt there was reason to be more optimistic in the future about results of negotiations with the regulators. Apparently even the newcomers, who don't appreciate just how hot last year's potato turned out to be, have learned a lesson. As on the recent occasion when they discovered the comprehensive new application blanks fired at all permit seekers contained a lot of requests that could not physically be satisfied.

Info from the huddle leads to expectation that the red tape concern-

ing translations of scripts will not be as bad as feared. Commish was advised that many stations have supervisors of foreign programs who are competent to read the original draft in alien language so there is no necessity for a lot of trouble getting interpreters to prepare an English version. Carried to an extreme, the proposed role might require a supervisor to supervise the supervisor.

Will Keep Discs

Station people were agreeable to keeping a file of recordings and asking for advance copies of remarks by alien spiers. Principal question still to be thrashed out is whether to insist that microphonists shall be denied any liberty to substitute a word or phrase when they do their stuff. This is an issue for the full Commish, since it has some censorship implications and certain

The Seller Sold

Rochester, N. Y., Oct. 15. Vincent G. DeRitis, Jr., announcer at WHEC for two years, quit to take the air in person via the Army Air Corps. He decided to join up while interviewing Major Barnet W. Beers, Army recruiting officer, for WHEC.

members of the board fear it would be too much of a restriction.

Though the fifth column alarmists have been clamoring for action without delay, no recommendation has gone to the Commish. At last week's meetings, no report was received on the huddle, and the top men still are in the dark about what breed of thou shalt's will be urged for imposition on the DX-ers.

Rural Editors Recruited From School Papers, So WCCO Goes to the Source

Minneapolis, Oct. 15.

Earl H. Gammons, WCCO manager here, has set out to overcome the obstacle of the old-time newspaper editors in the state's rural sections who still turns up his nose and scoffs at the radio or considers it undesirable competition. In an effort to bring about more friendliness and closer cooperation between the rural press and the radio, he'll launch two concrete plans involving the getting into line of the prospective and building rural editors while they're still

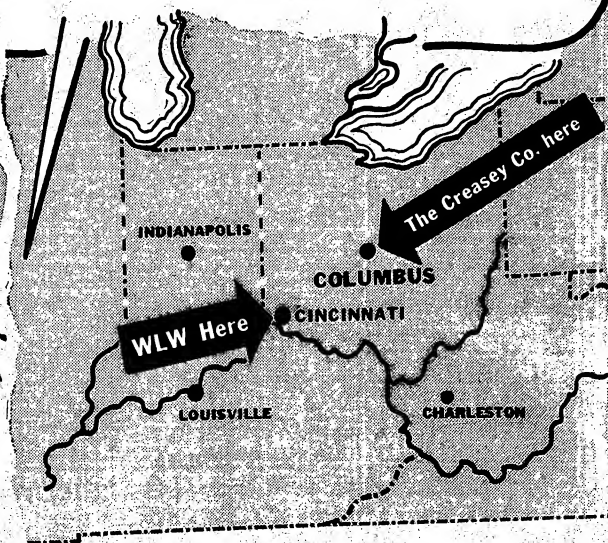
high school journalists and before they've embarked on their life careers.

Most rural newspaper editors are recruited from high school papers and if he can clean up the 'source,' Gammons believes he'll have the radio and press in Minnesota much closer together. So he has offered a WCCO Radio Award in the annual Minnesota High School Press Association contests to be presented to the paper showing 'the most effective treatment of radio news during the year.'

"We feel that WLW is a very important factor in building consumer-demand in the territory we serve. Our stock of merchandise is carefully checked, and a sufficient supply is placed on hand to take care of an expected increase in sales—whenever we receive notice that a product will be advertised over WLW."

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THE NATION'S
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SCOPE OF 'PUBLIC SERVICE' PROGRAMS BY NBC SHOWN IN SCHEDULE FOR 1940-41

Old, New Series Into Stride As Another Season Begins—Evidence of Importance Attached to the Non-Commercial Activities of Network

An examination of the programs the National Broadcasting Co. has scheduled for the season of 1940-41 discloses the considerable scope and variety of 'public service' programs at this time and the earmarking of a lot of radio periods for that purpose. Perhaps never before was the schedule of a network for 'social' purposes so extensive and detailed. It represents, too, innumerable tie-ups by NBC with pressure groups and other bodies.

The following is a break-down of the schedule:

MUSIC

NBC Music Appreciation Hour. Oct. 18, 1940, through May 2, 1941, Fridays, 2-3 p. m., EST, NBC-Blue. Dr. Walter Damrosch, music counsel of NBC and dean of American conductors, inaugurates the season of the NBC Music Appreciation Hour the 13th. He will follow his well-established plan of previous seasons. Four series of half-hour programs, A, B, C and D, graded to meet the requirements of different age levels, will be presented on alternate weeks. Series A (orchestral instruments and voices) and C (musical forms) are broadcast during the first half of the program on alternate weeks, while Series B (music as an expressive medium) and D (lives and works of great composers) are heard during the last half of the programs on alternate weeks.

Series A and B are intended mainly for young listeners (Grades 4 to 8), while Series C and D are suitable for junior and senior high school students. All four series are followed with profit by thousands of college and adult listeners.

In addition to the broadcasts, NBC makes available at nominal cost to students, teachers and the general public a teacher's guide containing suggestions to teachers for utilizing the Music Appreciation Hour most effectively, and four students' workbooks, one for each series, for the purpose of promoting listener activity and participation.

Estimated audience: 6,000,000 weekly.

Rochester Civic Orchestra, series of matinee concerts resume Monday, October 21, at 2:30 p. m., EST, NBC-Blue.

NBC Symphony Orchestra, resumes Saturday, Oct. 12, 10 p. m., EST, NBC-Blue, under direction of Hans Wilhelm Steinberg; Toscanini returns November 23.

New Friends of Music. The New York Chamber Music Organization opens its 1940-41 season of Sunday broadcasts from Town Hall on Oct. 20, from 6:05-7 p. m., EST, over the NBC-Blue. The 'New Friends' this year will be heard for sixteen consecutive Sundays. Lotte Lehmann and other eminent soloists will be featured during the series.

'Milestones in the History of Music.' Comprehensive survey of music from the earliest times to the

present, featuring orchestra of the Eastman School of Music. Resumes Saturday, Nov. 2, at 12 noon, EST, NBC-Red.

Music and American Youth (Produced in cooperation with the National Music Educator's Conference). Series featuring orchestras and outstanding instrumentalists from America's high schools, colleges, and universities. Resumes Sunday, Nov. 3, at 11:30 a. m., EST, NBC-Red.

Eastman School of Music and **Rochester Civic Orchestra** evening concerts are scheduled for return in December and January respectively.

DRAMA

Great Plays. Returned for its fourth consecutive season Sunday, Oct. 12, at 3:00 p. m., EST, NBC-Blue. The initial production, 'Cavalcade' of Drama from Greece to Broadway, surveyed the background of the 25 masterworks to be presented during the series.

Radio Guild. Dramas written expressly for radio. Saturdays, 9:30 p. m., EST, NBC-Blue.

LITERATURE

American Pilgrimage. Homes of America's most famous prose writers will be visited and described over the NBC-Blue network by Ted Malone during the next seven months as he swings across the country in a series of 'American Pilgrimage' broadcasts. Began Sunday, Oct. 13, at 2 p. m., EST.

This is the second such trip by the commentator of NBC's 'Between the Bookends.' Last year he traveled 12,000 miles, broadcasting from the homes of 32 noted American poets during his initial 'Pilgrimage of Poetry' series.

Meet Mr. Weeks. Edward Weeks, editor of the Atlantic Monthly, in discussion and dramatization of literature. Back for its second season Tuesday, Nov. 12, at 9:35 p. m., EST, NBC-Blue.

'Between the Bookends.' Year-round five-day-a-week feature. Informal program of poetry and comment on books by Ted Malone. Mondays through Fridays, 1:15 p. m., EST, NBC-Blue.

Story-Dramas by Olmsted. Nelson Olmsted in dramatizations and discussions of the world's great short stories. Olmsted plays all the parts. Heard Mondays, Tuesdays, Wednesdays at 10:00 p. m., EST, NBC-Blue.

HISTORY

'The Story Behind the Headlines.' Produced in cooperation with the American Historical Association, with Cesar Saerchinger, veteran foreign correspondent. Will resume in November. A panel of eminent scholars of the American Historical Association will do research for the series, and each week a specialist in the particular field of current history under discussion will assist

Saerchinger in the preparation of his script.

FINE ARTS

The history of the fine arts through the ages will be the theme of a new weekly series to start in November. The programs will show the fine arts as an expression of the culture of their age.

PUBLIC AFFAIRS

America's Town Meeting of the Air. (Produced in cooperation with Town Hall, Inc.) Returns for its sixth season Thursday, Nov. 14, at 9:35 p. m., EST, NBC-Blue.

National Radio Forum. (Produced in cooperation with the Washington Star). Talks by Congressmen and other government officials on topics of current national interest. Resumes Monday, Nov. 11, 10:30 p. m., EST, NBC-Blue.

University of Chicago Round Table. (Produced in cooperation with the University of Chicago). The oldest educational program continuously on the air. Sundays, 2:30 p. m., EST, NBC-Red.

Foreign Policy Association Programs. (Produced in cooperation with the Foreign Policy Association). Discussions of foreign policy by members of the Association's research staff. Sundays, 2:15 p. m., EST, NBC-Blue.

'I'm An American.' (Produced in cooperation with the Immigration and Naturalization Service of the U. S. Department of Justice). Devoted to an exposition by distinguished naturalized Americans of the privileges and responsibilities of the democratic way of life. Albert Einstein, Thomas Mann, William Knudsen, Irving Berlin have been guests during past months. Marlene Dietrich, Lynn Fontanne, Dr. Walter Damrosch, Leopold Stokowski and Paul Muni will be heard on future programs.

PSYCHOLOGY

'Human Nature in Action.' Dr. Harold D. Lasswell, political scientist and psychiatrist, dramatizes and explains the whys and hows of present-day national popular movements and the factors which motivate human behavior. Current series (Tuesdays, 11:15 p. m., EST, NBC-Red) ends Nov. 12.

ECONOMICS

Several short series, similar to last season's 'Next Step Forward' and 'Public Affairs Weekly,' are planned.

NATURAL SCIENCES

Man and the World. (Produced in cooperation with the American Museum of Natural History in New York and the Museum of Science and Industry in Chicago). Dramatic panorama of scientific exploration, discovery, and research, drawn from the resources of two of America's great museums. Beginning Saturday, October 26, at 8:15 p. m., EST, NBC-Blue.

The first program and alternate programs thereafter will originate in Chicago; the second program and alternate broadcasts thereafter, in New York.

The Chicago programs will be adapted from the exhibits and research of that city's museum. Programs will deal with such themes as light, heat, sound, weather, time, communications.

Programs from the American Museum, based on the institution's exhibits and expeditions, will include 'The Story of Fire,' 'The Story of Paper,' 'With Plane and Radio in the Stone Age,' 'The Mystery Dinosaur.'

PHYSICAL SCIENCES

Unlimited Horizons. (Produced in cooperation with Stanford University, The University of California, and California Institute of Technology.) A new weekly broadcast series devoted to the physical sciences, to be heard over the NBC-Blue, beginning Friday, Nov. 1, at 11:30 p. m., EST.

BIOLOGICAL SCIENCES

Doctors at Work. (Produced in cooperation with the American Medical Association.) A dramatic

survey for the layman of the many facets of medicine and medical practice. Beginning Wednesday, November 13, at 10:30 p. m., EST, NBC-Blue.

GENERAL SCIENCE

The World Is Yours. (Produced in cooperation with the Smithsonian Institution and the U. S. Office of Education.) Dramatizations of the world of science as revealed in the exhibits and expeditions of the Smithsonian. Year-round feature, Sundays, 4:30 p. m., EST, NBC-Red.

Radio Magic. Dramatizations, and commentary by Orestes D. Caldwell, noted interpreter of science for the layman, on fascinating radio phenomena. Mondays, 7:15 p. m., EST, NBC-Blue.

RELIGION

In addition to the regular broadcasts produced in cooperation with the three major faiths of the country, NBC is planning coverage of important events of religious significance during the 1940-41 season.

FORMAL EDUCATION

American Education Forum. (Produced in cooperation with the American Education Committee.) Devoted to educational problems and their relation to national life. This series is designed to interest laymen as well as professional educators. Returns for its third season, Saturday, Oct. 19, at 12:00 noon, EST, NBC-Blue. Utilizes a variety of technique, including round table and interview.

VOCATIONAL GUIDANCE

On Your Job. Widely acclaimed last season for its dramas of America's work and workers, 'On Your Job' returned for its second season Sunday, Oct. 6, at 1:30 p. m., EST, over the NBC-Red. Based on research into vocational problems by Frank Ernest Hill of the American Association for Adult Education, this series was conceived in a belief that American workers need to and want to know about each other. The programs are designed to depict all kinds of work scenes, introduce workers of all types, and show how Americans are attempting to deal with their vocational problems.

AVIATION

Wings Over America. Devoted to the story of aviation, this series is designed to be informative and stimulating for both old and young listeners, and to help them understand the importance of aviation in the national life of America. Dramatization and commentary. Sundays, 12:30 p. m., EST, NBC-Red.

AGRICULTURE

National Farm and Home Hour. (Produced in cooperation with the U. S. Dept. of Agriculture and other groups). News, music and information of special interest to farmers and homemakers. Mondays through Saturdays, 12:30 p. m., EST, NBC-Blue.

SAFETY

'Watch Your Step.' Music, comedy, and information devoted to the furtherance of safety in the home. With Fields and Hall. Saturdays, 9:15 a. m., EST, NBC-Red.

'Sunday Drivers.' Music and information devoted to the furtherance of safe driving. With Fields and Hall. Sundays, 9:30 a. m., EST, NBC-Red.

HOBBIES

Calling All Stamp Collectors. (Produced in cooperation with the National Federation of Stamp Clubs). News and information of interest to philatelists. Saturdays, 1:15 p. m., EST, NBC-Red.

WOMEN'S INTERESTS

'Raising a President.' (Produced in cooperation with the Children's Bureau of the U. S. Department of Labor).

'The Adventures of a Modern Mother.' A new dramatic series designed to help mothers in the training of their children. The series deals with happenings in daily family living, rather than with abstract psychological principles. Mondays, 2:00 p. m., EST, NBC-Blue. Began Oct. 14.

Pin Money Party. Third new series in the women's schedule, 'Pin Money Party,' is designed to help American women capitalize their natural talents.

Alma Kitchell's Streamline Jour-

nal. Women's magazine of the air, designed to cover all women's interests. Each week Alma Kitchell, as editor, introduces authorities in these various fields. Tuesdays, 2:00 p. m., EST, NBC-Blue.

It Looks from Here—Says Margaret Banning. The prominent novelist and clubwoman calls her programs 'practical essays—modern living.' Thursdays, 2:00 p. m., EST, NBC-Blue.

Echoes of History. (Produced in cooperation with the General Federation of Women's Clubs). The original scenes of historic orations are the basis for this series of dramatic reenactments. Alternate Wednesdays, 2:15 p. m., EST, NBC-Blue; alternates with 'Let's Talk It Over,' which presents prominent guests with stimulating ideas for women.

Isabel Manning Hewson's Morning Market Basket. Topics of interest to women with prominent guest speakers. Thursdays, 9:30 a. m., EST, NBC-Red. Also heard locally over WEAF Tuesday mornings.

Alma Kitchell's Briefcase. Informal chats about radio and its listeners by Miss Kitchell. Fridays, 6:05 p. m., EST, NBC-Blue.

June Hynd's Guest Book. June Hynd offers listeners opportunity to share their thoughts about radio through letters written to the Guest Book. Thursdays, 6:30 p. m., EST, NBC-Red.

The Traveling Cook. Richard Kent, noted world traveler and gourmet, in discussions of food and people. Saturdays, 10:15 a. m., EST, NBC-Blue, and Thursdays at 2:15 p. m., EST, NBC-Blue.

General Federation of Women's Clubs Program. (Produced in cooperation with the General Federation of Women's Clubs). Directed to consumers as an aid in shopping. Saturdays, 12:00 noon, EST, NBC-Red.

CHILDREN

The Children's Hour. A full-hour of radio entertainment for children. Mondays through Fridays, 5:00 p. m., EST, NBC-Blue. The hour comprises 'Set Sail,' a dramatic story of five children at sea, which was incorporated in the Children's Hour-October 7; 'Irene Wicker's Musical Stories,' with a variety of story material from traditional tales to true stories of great men and women; 'Bud Barton,' drama of real boys and their problems.

Coast-to-Coast on a Bus. Milton Cross guides the children of this program through a series of entertaining adventures. Sundays, 9:15 a. m., EST, NBC-Blue.

Our Barn. Madge Tucker, known to children everywhere as the Lady Next Door, presents a series of weekly shows from her famous 'barn,' with child actors she has trained. Saturdays, 11:30 a. m., EST, NBC-Blue.

Bright Idea Club. Young people exchange ideas for using leisure time. Conducted by Madeline Grey. Saturdays, 10:30 a. m., EST, NBC-Red.



DON'T MISS

EDDIE CANTOR
TONIGHT
9 P. M.
STATION WEAF

Ipana and Sal Hepatica bring you 'Time to Smile' with Dinah Shore, Bobby Sherwood's Orchestra, Resa and Davis, Tommy Mack, and Eddie, himself.

Ipana—Sal Hepatica

Lively Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN MARKET
FOR KDYL

Representative
JOHN BLAIR & COMPANY

The POPULAR Station
Salt Lake City

NBC
RED
NETWORK

PUBLICITY PAYOFFS ILLEGAL

Red's Soap 28.2% Ahead of 1939

NBC-red network is 28.2% ahead so far this year on business from soap laundry manufacturers and the indications are that this source alone will bring the network \$5,700,000 for the current year. The red's billings on laundry soap biz for the first nine months of 1939 was \$3,603,627. For the like period of '40 it's \$4,619,658, CBS' billings from the same industry during the initial nine months of 1939 was \$2,917,444, while this year it's \$2,894,547. The margin downward figures .8%.

Procter & Gamble continues to be the red link's No. 1 customer. Last year P & G's portion of the billings on the red for the first nine months came to \$4,098,261. So far this year the red network's gross turnover for plugging the same manufacturer's soap and other products is \$4,098,261. Columbia's billings to the same source this year has been \$1,377,613. Last year for the comparative period it was \$1,649,345.

In terms of quarter-hour units per week P & G's allocation to the red this season is 91, and CBS, 22. As for station quarter-hour periods the same account during the first week in October had 3,459 on the red and 735 on CBS. During the like week in 1939 the ratio was 116 on the red and 237 on Columbia.

P & G currently has 26 different programs on the two networks.

PRO TALENT MUST GET MINIMUM

Otherwise Radio Enjoys Liberal Interpretation of Wage-Hour Laws—Public Service, Interview and Charity Broadcasts Exempt

\$50 MAKES AN EXEC

Washington, Oct. 15.

Under the new ruling effective Oct. 24 most broadcasting employees earning more than \$50 a week will be exempt from the provision of the Wage-Hour law requiring time-and-a-half pay for anything more than the standard work period. Col. Philip E. Fleming, head of the Wage-hour Division, approved Monday (14) an interpretation of his associates to that effect. Clerical workers in the industry will still be entitled to added compensation if they are worked overtime, but salesmen, engineers, talent, production and news men and a few other class of employees will not fall within the scope of the overtime angle.

Another ruling by Col. Philip B. Fleming, administrator, exempting 'voluntary public participants' in programs such as man-in-the-street and quiz-game broadcasts. They are not employees of the radio stations.

(Continued on page 46)

State of Jalisco Broadcasts Partly In English for American Tourists

'Raising a President'

'Raising a President' is the title of a new program broadcast over NBC blue under the auspices of the Children's Bureau of U. S. Labor Department.

It dramatizes incidents in the life of the Young Family and includes a commentary on child care.

STOP CITY TAX AGAINST KTHS

Hot Springs, Ark., Oct. 15.

KTHS, operated by the local Chamber of Commerce, last week obtained in a local court an injunction restraining the city from collecting an occupation tax from the station. Judge ruled that the station is a non-profit organization operated by a civic body and that collection of the tax would tend to interfere with interstate commerce.

Case was a test of a recently enacted ordinance providing for taxation of radio stations. City government proposes to appeal the decision to the state supreme court.

Glen (Shorty) Hogan has joined the Sunset Corners Symphony at WHO, Des Moines, Ia.

Mexico City, Oct. 15.

Jalisco, western Mexican state, is the latest Mexican commonwealth to realize the importance of radio to advertise its commercial, artistic and tourist advantages, for Gov. Silvano Barba Gonzalez has engaged John G. Buttner, American air engineer, to proceed with the installation of a 5,000-watt station in Guadalajara, the Jalisco capital. Coin for the enterprise has been put up largely by the state government, with the governor ponying in prominently, and from donations by Guadalajara and other Jalisco businessmen.

Inauguration of this station, set for Nov. 20 (Revolution Day), is counted upon by the Jalisco chiefs to be of far-reaching benefit for putting their state on the map, not only in Mexico, but in the U.S. and also to wise up Jalisco businessmen, long ultraconservative in their advertising methods, to the cash potency of ether publicity.

Gov. Barba Gonzalez, in announcing plans for this station, which will be the most powerful of any state-government radio in Mexico, said that he is confident that its broadcasts, which will be in English as well as Spanish, will attract more American tourists to Jalisco. Jalisco is served from the U. S. by daily aviation from Los Angeles to Mexico City, the Southern Pacific Railway from Nogales, and two scenic highways, one from Nogales, the other from Laredo, Tex., via Mexico City.

ENCLOSE COIN FOR SOLDIERS

Regina, Sask., Oct. 15.

People sending in requests for 'The Mailbag Program,' aired daily over CHAB, Moose Jaw, are now being asked to enclose one penny with each request so that the station can buy cigarettes for soldiers overseas.

Program is made up entirely of recordings dedicated to listeners and announcements of forthcoming events in the Moose Jaw district.

Des Moines.—Bruce Grant is a new announcer at KSO-KRNT, coming from WMT, Davenport.

WNAX's Pancake Fiesta

Yankton, S. D., Oct. 15.

For the 12th consecutive year, WNAX, local CBS outlet, has just wound up its Pancake festival, innovations including an outdoor show with stage acts and impromptu programs in various parts of the station's building.

Total of 85,000 pancakes were served to guests, about 90% of whom came from the immediately surrounding territory in Wisconsin, Minnesota, North Dakota and Nebraska. Figuring an average of two cakes to a serving, that meant about 42,800 persons were served. Other figures: 1,060 pounds of butter, 670 gallons of syrup, 520 pounds of sugar, 970 quarts of cream, 67,280 muffins.

WCAU
PHILADELPHIA
50,000 WATTS
CBS

Philadelphia's most popular station
sends your sales story into 33.9%
more homes than any other station



A CLEAR CHANNEL TO SALES

Allow Sponsor-Identification Only In Newscast Rule For Canadian Radio

Montreal, Oct. 15.

Commercials on news broadcasts in Canada will hereafter be limited to sponsor identification only according to a ruling issued last week (as expected) by the Canadian Broadcasting Corp. Mention of the sponsor can be made only at the beginning and end of each newscast and there can be no centre commercials or spot announcements immediately preceding following news programs.

Three plans were submitted in July in an effort to solve the newscasting problem. The decision arrived at apparently in line with suggestions made by N. L. Nathanson, head of Famous Players-Canadian Corp., who is vice-chairman of the Board of Governors of the CBC.

Other stipulations are that stations on the CBC basic network may take the CBC news services while private stations are not to be compelled to use them. To protect the CBC newscasts Nathanson suggested that no station should be permitted to broadcast news within a period of 30 to 60 minutes either before or after any national news program, but this regulation may be modified under special circumstances.

The Government attitude, as formerly expressed, was that no news should be sponsored on any station and that all sustaining news used by any station should be acquired through the CBC only. Nathanson advocated that stations be permitted to buy news and continue as heretofore except for the limitation of commercials to sponsor identification. Under the latest CBC ruling the Nathanson proposals are apparently being carried out rather than the more stringent methods suggested from other quarters.

RESERVE DECISION ON THE COMMUNISTS

Rochester, N. Y., Oct. 15.

Supreme Court Justice John Van Voorhis reserved decision last week on local Communist Party plea for mandatory injunction to compel WSAW to air series of Communist Sunday talks recently barred by the station "as not in the public interest." Interested parties are awaiting if decision will be made before election, as series was aimed for political effect.

Six talks had been broadcast before ban was ordered and seven more had been contracted for, four of which already have been missed.

IN BALTIMORE IT'S

WFBR

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap '99" Pure

LISTEN TWICE DAILY

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

IN

5:45-6 P.M., EST

COAST TO COAST

Dir. COMPTON ADVERTISING AGENCY
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

Just Havin' Fun

Los Angeles, Oct. 15.

Recently Tommy Lee turned songwriter, and supplied the melody of 'Angel Beavre' to the words of J. C. Lewis, Jr. That put him on even terms with rival station owner, Earle C. Anthony, who composed an Hawaiian ditty some time ago. Just to keep the score even, Anthony's station boss, Harrison Holliday, pitched a home in the Hollywood hills within the shadow of Mt. Lee and immediately tagged it Mt. Holliday. The next move is awaited in both camps.

Harry Flannery of KMOX To Berlin for CBS Web; Family Stays in Chicago

St. Louis, Oct. 15.

Harry W. Flannery, vet. news analyst for KMOX, has been named Berlin correspondent for the Columbia Broadcasting System and leaves today. The American Clipper for the German capital. The new assignment climaxes 22 years of newspaper and radio experience. His advent into radio occurred eight years ago when as editor of a Ft. Wayne, Ind., newspaper he was invited by WOVO to do a news comment program. He scored so solidly that he abandoned newspaper work. His wife and small daughter will live in Chicago during his European sojourn.

Vacations for Staff

Paul White, head of CBS' news and special events department, stated yesterday (Tuesday) that as soon as Flannery has established himself in Berlin arrangements will be made to give Edwin Harridge and Bill Shirer, in turn, a six to eight weeks vacation in the United States. It will give the pair, who have been on duty in Berlin since the outbreak of the war, a chance not only to relax, but to get the feel of their own country again.

Eric Severide, of Columbia's London staff, is already on his way to the United States for a vacation. He's now at Lisbon awaiting Clipper passage. This will leave Ed Murrow and Larry LeSueur in the London office.

Sid Dickler at WWSW

Pittsburgh, Oct. 15.

After a five-year absence, Sid Dickler's 'Revue in Rhythm,' a fore-runner of 'Bandwagon' type of program, has been resumed on indie station WWSW. It's a half hour weekly spot, with Dickler's band, vocalist Mary Krieg and Harry Pearce, with the local maestro interviewing a name band leader in town on every show.

Dickler is a WWSW vet, having been the first leader to play on that station when its first studio in the Hotel Schenley was dedicated. One thing 'Revue in Rhythm' won't have to worry about is publicity. Dickler himself is a p.a., with several local band and cafe accounts, when he isn't waving a baton. He's also a brother of Milton Karle (Dickler), p.a. for Johnny Long.

PHILCO TELEVISES GRID

Radio Speler on Opposite Side of Field Complicates

Philadelphia, Oct. 15.

Football game between University of Pennsylvania and the University of Maryland at Franklin Field was televised by Philco over its experimental transmitter W3XE recently. Demonstration was witnessed by a group of newspapermen and engineers at the Warwick hotel.

Watching the game from the seven-by-nine screen of the tele receiver was like having a seat on the 30 yard line. The action of the entire game was easy to follow, although when the ball moved up field the watcher had to close to the screen to get a clearer view.

The game was described by Bill Slater, of Atlantic City. This threw the watcher off as Slater was in the north stands while the television cameras were in the south. When the gabber announced the runner was going to his left, the tele screen showed him going to the right and vice versa.

The action was picked up by two television cameras equipped with telescopic lenses installed on scaffolding suspended from the upper tier of the stands, picking up two fields of action. This was transmitted by wire to a control room where four engineers and a director viewed it on two television receivers.

The director, acting in the capacity of a motion picture director, decided which gave the best picture of the action and played that one on the air. Switching from one camera to the other caused momentary blackouts on the receiving screen.

The images were then transmitted from the control booth to Convention Hall, about 1,800 yards away, where they were sent to Philco plant in the northeastern section of the city. From here it was rebroadcast on Philco's television transmitter to about 300 sets in the Philly area. Most of these are owned by engineers of Philco.

Mutual Asks: 'Do You Want A.P. for Cash?'

Mutual stations have until this Saturday (19) to decide whether they want to pay for the Associated Press service. If the response is negative, WGN, Chicago, will be barred from continuing to feed AP bulletins to the network. Fred Weber, Mutual's general manager, last week circulated among the web's affiliated copies of a letter he had just received on the subject from the AP with a request that they answer an appended questionnaire.

The AP letter points out that with the other networks now paying for the AP service the latter is in the anomalous position of furnishing this material gratis to Mutual. "Up to the present," states the letter, "independent stations unaligned with Associated Press member newspapers have been receiving the Associated Press service over the network without contributing to the service, but they have not had the Associated Press report at their disposal for sponsorship programs. In accordance with the plan whereby the Associated Press report is now available to Mutual on an exchange of news differential basis, it might be possible for the non-Associated Press members to subscribe for the Associated Press service through Mutual on a commercial and sustaining basis for local use as well as the network."

The inquiries put to Mutual affiliates by Weber were as follows:

1. Are you interested in subscribing individually to AP through Mutual for local use on a basis to be negotiated with AP?
2. If so, what is your present news service?
3. If so, what is the length of your present news service commitment?
4. If so, what might you be interested in paying AP for their service for local commercial use as well as network sustaining?

Waldo Abbot, head of the radio department of the University of Michigan, is getting out a second, revised edition of his 'Handbook of Radio,' now textbook in 61 colleges.

From the Production Centres

IN NEW YORK CITY.

Harriette Leifert, secretary to Milton Biow, quits Nov. 1 to marry attorney Henry Williams and live in Miami. Ed East has reopened a business office now that he has beaucoup program and problems.

Eleanor L. Larsen, radio director of Geyer, Cornell & Newell, slightly injured in an accident in her home, will be out for several days. Fred Gropper, of the Compton agency, vacationing in New England.

Merry Macs, who have been doing a film in Hollywood, make first radio guest date of season Oct. 24 on Raymond Paige's 'Musical Americana.' Curtis Adler, interpreter in the Surrogate's Court, doing 'What's in a Name' program on WBBB, Brooklyn. Boys who attended George Engles' school for concert managers at NBC last spring haven't been placed, something else to blame on Hitler. Emilio Azcaraga left New York for XEW, Mexico City, due to serious illness of his general manager, Othello Velez. Ted Byron, ex-continuity director at WINS, peddling a participation program idea.

Joan Banks playing the supporting femme leads this season on the Kate Smith show. She also has leads on 'This Small Town,' 'Crime Doctor' and the recorded 'Mary Foster, the Editor's Daughter.' Dave Driscoll, WOR special features and news head, to live three days with the army at Fort Dix, N. J., to gather material for a series of programs about military training routine. Cecilia Loftus, legit actress and mimic, joined cast of 'Meet Miss Julia.' Charles Stark announcing 'Gang Busters' also doing 'Mother of Mine.' Lawson Zerbe joined cast of 'Aunt Jenny.' James Monks added to 'Kate Hopkins, Angel of Mercy.'

IN HOLLYWOOD

Ritz brothers are being put on wax by Batten, Barton, Durstine & Osborne. Lou Forbes directs the music and Warren Hull is in emcee. Wayne Griffin, who has auditioned a dozen shows for the agency, will again be at the controls. NBC waived its rule on plattered interludes so that the first earthly howls of Bob Burns' newborn could be heard on Kraft Music Hall. He did the recording himself. Bob Crosby makes daily trips to the hospital for treatment of a throat ailment. Dick Powell emceed a show for a drug store tenant in his new building. Recently doubled as landlord-entertainer for a dime store renter in Long Beach. John Swallow, NBC program chief, bought a new manse just off the Bob Hope acres. They can't accuse Tracy Moore of not being true blue to the blue. Since his appointment as Coast sales chief of NBC's blue he's gone for an ensemble of that pigment. Marvin Young, NBC producer, serving a captaincy in Army Reserve. Charlie Vanda back at his CBS desk after seven weeks east on biz and play. Ben Alexander, larva the announcing berth on Arch Oboler's 'Everyman's Theatre.' NBC's Joe Parker, Charlie Smith and George Volger on the mend after surgery. Harrison Holliday, KFI-KECA headman, named chairman of radio division for Community Chest drive. Top press agent stunt of the new season was the NBC gang's promotion of an honorary sergeancy in the air corps for Edgar Bergen's dummy. Newsreels and mag photos went overboard.

IN SAN FRANCISCO

NBC will feed third act of 'Masked Ball' to blue web from War Memorial Opera House here Wednesday (18) while second act of Carmen will go to the red Nov. 2. Bob Anderson, KFSO newscaster, has hung up a world record for diction and pronunciation by making an average of only four errors per hour against a normal rating of 45 for the nation. Also did six successive newscasts without a single error, according to check by Noyes McKay, Berkeley voice-clocker. KROW inaugurating two new debate programs, one 'You Are the Judge,' in co-op with Oakland Jr. C. of C. and University of California, the other 'High Schools and Democracy' in collaboration with Oakland Board of Education. First baseball game to be recorded then edited down and recut before airing was aired by KFSO this week. Match was between teams at Blindcraft Home here. Troy Harper, Allan Keas and R. W. Dumm handled the assignment. latter's dad, W. I. Dumm, owner of KFSO and KROW, lost \$3,500 worth of personal belongings when his car was jimmied open while parked in front of an Oakland eatery this week. New compositions will get a breackin on a new show inaugurated by KGO under title 'San Francisco Presents.' Features Ricardo, Camilla Romo, Nino Bonaldi and the Three Cheers. Porter Anderson, Folger Coffee Co.'s ad mgr, boasting that his firm's 'Best Buys' show on KFSO is proving a springboard to fame. Former actioneers on the sell-anything spot include Bob Garred, now a network newscaster, and John Nelson, who has moved to Hollywood as an agency producer.

Thug surprised Jack Gregson, KFSO announcer, by jamming gun in his ribs as Gregson and wife were unlocking car in downtown area after attending movie. Mikeman swung a haymaker at bandit, who found it his turn to be surprised and fled. KROW, indie station, has made newspaper tie-up with Oakland Post-Enquirer, airing paper's sports columnist, Lester Grant, on three-weekly basis. Other Oakland paper, the Tribune, has its own station, KILX. Construction work on Frisco's first television station will begin in about three months. Plans for visual unit were given going over this week by Ray Coffin, program director for WEXAO, Don Lee telecaster in L. A., and Bill Pabst, KFRC manager.

University of Alberta Station May Go Commersh

Edmonton, Alta., Oct. 15.

CKUA, 500-watt radio operated by the University of Alberta, is expected to be renovated and re-equipped if the board of governors gives the okay at its next meeting. Possibility is that the station would get a new transmitter and would enter the commercial field. Hitherto its operations have been confined to educational programs under the direction of the department of extension at the university.

Edmonton already has CJCA, 1,000 watts, and CFRN, 100 watts.

KSGI **ST. LOUIS CITY IOWA**

The JOURNAL

5000 WATTS

The ONLY Radio Transmitter of this or greater power within 75 miles of Sioux City

THE MARTINS

"TEXACO STAR THEATRE," CBS, WEDNESDAYS 9 TO 10 P.M., EST

ALSO "LOUISIANA PURCHASE" Imperial, N. Y.

VOCAL ARRANGEMENTS AND DIRECTION BY

HUGH MARTIN

PERSONAL MANAGEMENT

FRED STEELE

8 Rockefeller Plaza, New York City—Suite 601 Columbus 5-2142

What a Football Announcer Needs

Bill Stern, speaking on the Mort Lewis program 'Behind the Mike' on NBC Sunday (13), detailed the service requirements of a football announcer. Coaches and stadium officials are asked to provide or make possible:

1. Advance information of the exact location of announcer's microphones in the stadium to facilitate installation of equipment ahead of time.
2. An alphabetical list of all players on both teams with their number, and a numbered list with names.
3. A description of all players with weight, nationality, prep school antecedents and other facts about each.
4. A 'spotter' from the team itself, somebody familiar with all the plays and players, to sit beside the announcer throughout the game.
5. If possible, an advance chance to watch the team in practice or to study motion pictures of the plays and players used in previous games.
6. An exact and reliable list of all the musical tunes the college bands will play so that the announcer can talk over any restricted number.
7. Seven tickets to the game for the announcer, the home team's 'spotter', the visiting team's 'spotter', two engineers, two radio engineers and a Western Union telegraph operator to keep the announcer informed about scores of other important games of the day.

Anti-British Group Can Intervene Until Election; Classed With Townsends

Washington, Oct. 15.

Sale of radio time to the American First Committee now is permissible, the N.A.B. said last week in revising an earlier code interpretation in the light of additional information. Outfit has said it intends to support and oppose candidates for public office, and consequently is eligible to put on commercial programs, but only until the election.

Committee notified the trade body that persons who subscribe to its ideas will get paid on the back and office-seekers advocating 'all aid short of war' to Great Britain will be fought. That puts it in the same category as the Townsends, who take sides in various campaign contests.

With some 40-odd stations carrying the America First sermons, the way is open for the William Allen White Committee—urging more generous backing for the British—to buy time by following the same practice.

Agree Upon Procedure for Radio Programs From Military Camps

Philadelphia, Oct. 15.

Plans for cutting red tape at broadcasts from army camps after conscription were formulated at a meeting between Philly broadcasters and army officials last Thursday (10). The meeting was called by Lieutenant-Colonel Robert T. Snow, officer in charge of public relations for the First Military Area, comprising eastern Pennsylvania, Delaware and Maryland.

Under the new setup a station has only to submit a request for a date to Col. Snow and arrangements will be made. Heretofore airing from military camps have been made only after weeks of red tape and delay. Only stipulation made by the Army is that programs must be okayed in advance to prevent the unauthorized broadcast of objectionable matter or revelation of some military secret.

Because of the distance of the encampments from Philadelphia (Fort Dix is more than 60 miles; Camp

Meade about 100; Indiantown Gap, 150) it is believed that most of the airings from them will be made by transcription.

All expenses of the airings will be borne by the radio stations themselves. A tour of the encampments will be made within the next few weeks by officials of the local outlets to acquaint them with the facilities and radio possibilities as soon as the draft gets under way.

Among the stations represented were WCAU, KYW, WIP, WFIL, WDAS, WPEN, WHAT and WIBG. Only station missing was WTEL.

Announcer James Campbell, KOA, to Chicago as NBC announcer. Replaced at KOA by Dick Nesbitt of NBC, Chicago.

Bud Thorpe, announcer and of the news staff, KLLZ, left to write and produce 'Boys Town' show for Father Flanagan of Omaha.

VICE FIGHTERS RADIO-MINDED

Mexico City, Oct. 15.

Radio is to be used extensively to tell the world about doings at an international convention of women that the Feminine League Against Vices and Delinquency, a Mexican organization, is arranging for here in the near future. Plans for this meet were announced by Senora Carmen M. Mondragon, prez of the league, in a radio address here.

Idea to have women representing every country attend the convention, for, says Senora Mondragon, the time is here for femininity to make a united effort toward curbing vices and criminality. An ether hookup of Mexican, Latin-American and U. S. stations is to be arranged so that the meet and its deeds shall be widely known.

No date has been set for the convention, but it is understood that it will be held early in 1941. It will be the first meet of the kind ever held.

New Shows at WRC-WMAL

Washington, Oct. 15.

Batch of new programs for the fall season are set at WRC-WMAL, Washington NBC transmitters. Three of the newly-sketched broadcasts will go on the red or, southeast webs.

Musical Sunday program, 'Washington Calling,' will have Gene Archer, local baritone, Earl Godwin, White House commentator, and Edith Dick, former Lucky Strike Hit Parade star. Miss Dick is listed as 'guest star' on the 2 to 2:30 program which will be aired over the red from WRC.

'Little Brown Book,' a program of human interest stories conducted by John Van Cronkhite, and 'Dreams Come True,' musical show headed by Lynne Allison, soprano, and El Gary, tenor, both programs routed to NBC's southeast network for an evening half-hour, Thursdays and Tuesdays, respectively.

Local programs include 'Food for Thought,' oddity program by Bob Pilgrim, cartoonist; 'That's What You Think,' round table sports discussion with Raymond Michael and Francis Stan; 'Men With Batons,' Bill Gottlieb's musical education broadcast; 'Star Opera Series,' directed by Dr. N. E. C. Barnes, superintendent of music for the local public school system; 'P.D.S. Pin Money,' Lee Everett's musical program which pays off \$50 a day in prizes; 'Dr. Know It All,' information program; 'Headaches Unlimited,' a broadcast on odd incidents presented by John Van Cronkhite.

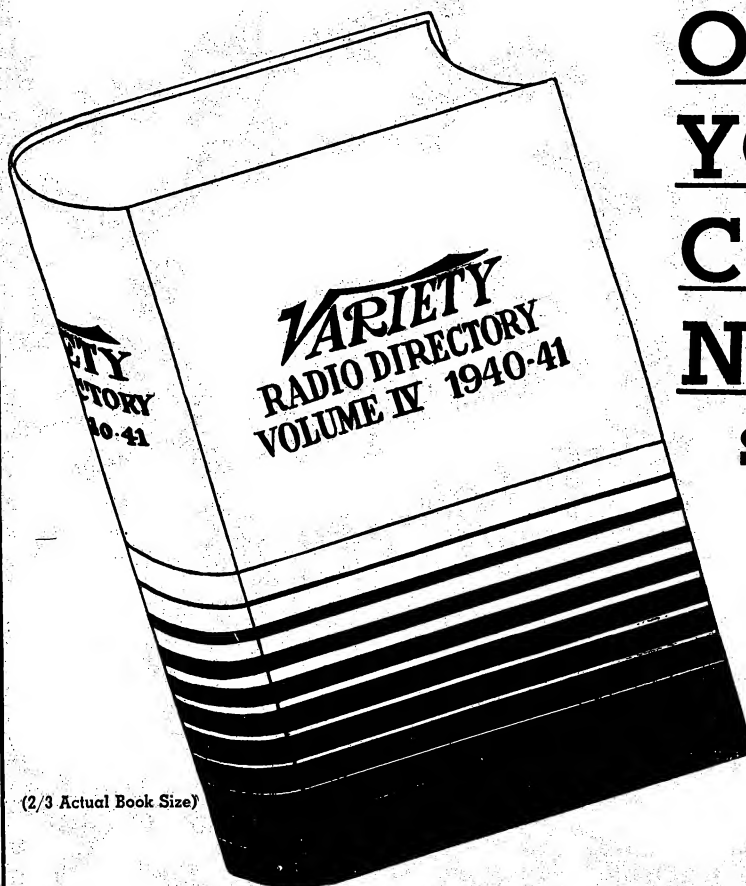
Tom Archer Remembers

Montreal, Oct. 15.

New commentary has been featured for Labatt's Ale, with Tom Archer, (Montreal Gazette) scheduled to start over Canadian Marconi station CFCF Oct. 21 in a five-minute stanza across the board. Archer program has been labelled 'A Veteran Remembers.' Its a 'now and then' formula with Archer referring in reminiscent vein to episodes in last war when things were darkest and comparing with instances in current conflict.

Archer is a World War veteran.

Regina, Sask.—W. Youmans, secretary at CBK, Watrous, has been transferred to Winnipeg. Dorothy Norfield replaces him.



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\$5**

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154 West 46th St.

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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).

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Address

City State

Firm

Important National Spot Accounts Placed This Week

(According to Reports from VARIETY'S 'Radio
Market Cities')

Network Units	Local Units	National Spot Units	Total Units
5,330	10,414	738	16,482
5,505	10,334	749	16,588
-3.2%	+0.8%	-1.5%	+0.6%

Commercial Program Ideas

Traffic Show's Co-Sponsors

El Paso—A semi-weekly program is aired here over station KROD entitled 'Albino for Death' and consists of dramatized stories of traffic accidents taken from the files of the local police.

Program is co-sponsored by Given Bros. Shoe Co., Home Oil Co. and El Paso A&E Service. Group awards \$5 checks to two men and two women each week who are nominated safe drivers by the listeners.

Careful Grooming of Local Act

Richmond—Current example of neat grooming, being given talent with commercial network possibilities is attention: WRVA, Richmond, Va., is giving Sunshine Sue and Her Ringers. After auditioning the unit about six months ago, Irv Abelloff, WRVA program service director, put the program emphasis on the down-to-earth singing and patter of Sunshine Sue and gave act lunch-time spotlight. Clicked big with WRVA audience from start. WRVA then started feeding to Mutual with station list spreading to present 40-dm mark. Recently, WRVA publicity department cooked up a mail-getting stunt for Sue's bunch. Had Sue ask listeners to send in "patches" for each week, with a total of \$1,000 in cash being distributed. Cast for series include Bob Shreve, "Cousin Elmer," the Wayne Warblers, a vocal and instrumental foursome, "Aggie Duff," comic spinster, and the Wayne Mailman, played by Eldon Campbell, station announcer. Account is handled by Louis E. Wade, Inc., and is in charge of Medford Maxwell.

Stations carrying series include WOWO, Ft. Wayne; WBT, Charlotte; WHO, Des Moines; KFAP, Lincoln; WMT, Cedar Rapids; WLS, Chicago; KSD, St. Louis; WNAK, Yankton; WHKC, Columbus, and WLW, Cincinnati.

'Wayne Mail Box' Angles

Ft. Wayne—Wayne Mail Box, 26-week transcription series, starts on 10 midwest stations this month with a heavy merchandising campaign complementing show. Series sponsored by Allied Mills, Inc., manufacturers of Wayne poultry and livestock feeds. Promotional efforts include 250,000 trade paper ad reprints to consumers, a series of 10 sales letters to 5,000 Wayne feed dealers, 5,000 large poster programs to dealers, 5,000 giant telegrams to dealers and 5,000 R.F.D. cardboard mail boxes.

Contests are scheduled for each week, with a total of \$1,000 in cash being distributed. Cast for series include Bob Shreve, "Cousin Elmer," the Wayne Warblers, a vocal and instrumental foursome, "Aggie Duff," comic spinster, and the Wayne Mailman, played by Eldon Campbell, station announcer. Account is handled by Louis E. Wade, Inc., and is in charge of Medford Maxwell.

Stations carrying series include WOWO, Ft. Wayne; WBT, Charlotte; WHO, Des Moines; KFAP, Lincoln; WMT, Cedar Rapids; WLS, Chicago; KSD, St. Louis; WNAK, Yankton; WHKC, Columbus, and WLW, Cincinnati.

WHEC Posters Torchbearers

Rochester, N. Y.—WHEC that now has five locally-produced programs, launches contest of amateur theatrical groups on six Saturday evenings 7-7:30, winner to get 12-week contract as station's 'Little Theatre Players'. Lauer's furniture store sponsors. Mrs. Brenda Wood of store staff directs with Ken French co-operating for WHEC.

'Hear Yourself Interviewed' Via KDKA

Pittsburgh—New type of show, 'Hear Yourself', has made its debut on KDKA and bankrolled by Campbell & Woods, makers of Breakfast Cheer coffee here. Selling point, which has grabbed plenty of free space for program, is that Pittsburgh residents can sit at home and hear themselves on the air being interviewed by Billy Hinds, KDKA announcer.

Every Wednesday and Friday, station's new mobile recording unit goes to a grocery store, and Hinds takes a mike inside and interviews the customers with a question-answer quiz. Then the record is broadcast a few days later. Carries the usual cash prizes for accepted questions and the coffee giveaway to the interviewees.

KSFO, FRISCO, LOCAL BIZ UP 392%

San Francisco, Oct. 15.

Network units were up this week but local and spot totals sluffed off.

KSFO local time sales for September were 392% ahead of the same 1939 month according to figures released by Lincoln Dellar, station manager. A total of 123 quarter-hours were given a pay-ride during that period.

KGO: Redlich Newman (furniture) through F. L. Newton, 104 spots; Golden Gate theatre, direct, 52 Monday afternoon spots; Gernhardt-Strohmaier Co. (stoves), direct, 25 participations; 'Home Forum', Tilton's Clothing, through Theodore H. Degall, 23 Friday evening spots; Emporium-Capwell Co. (department store), through Connor, 13 Sunday spots; Gas Appliance Society of Northern California, through Frickelton, 10 participations; 'Home Forum', Cook Products, through Ritus Rhoades, eight participations; 'Home Forum', Pauson Co. (clothing), through Allied Advertising, 104 Wednesday evening spots.

KPO: General Mills (Wheaties) through Westco, five quarter-hours weekly, 154 times; 'Jack Armstrong', Thomas Leeming & Co. (Baume Benue), through William Eist, 336 spots; J. L. Tuttle, Oakland (cheese), through Emil Reinhardt, 156 spots; Maryland Pharmaceutical Co. (Rem and Rel), through Joseph Katz, Baltimore, 156 spots; Pauson Co. (clothing), through Allied Advertising, 104 spots; Old Bread Bakery, through Leon Livingston, 100 spots; McIlhenny Co. (tobacco sauce), through Aubrey Moore & Wallace, Chicago, 100 spots; Lamont, Corliss & Co. (Danya lotion) through J. Walter Thompson, 78 participations; 'International Kitchen', White Labs.

(Chooz), through H. W. Kastor & Sons, Chicago, 65 spots; New Century Beverage Co., through M. E. Harlan, 43 spots; Gardner Nursery Co., through Northwest Radio Advertising, 48 participations; 'Musical Clock', Marlin Firearms Co. (razor blades), through Craven and Hendrick, N. Y., 39 spots; Soil-Off Mfg. Co., through Hillman-Shane, L. A., 34 participations; 'International Kitchen', North American Accident Insurance Co., through Franklin Bruck, N. Y., five quarter-hours weekly, 13 weeks; News Studebaker Corp., through Roche, Williams and Cunningham, Chicago, 13 twice-weekly quarter-hours; Gas Appliance Society of Northern California, through Frickelton, 10 participations; 'International Kitchen'.

KFRC: Yellow Cab, through Rufus Rhoades, 39 live five-minute spots, three times weekly; Insurance Management Co., through Allied Advertising, 10 live weekly quarter-hours, 'This Strange World'.

Oct. 12 Compared to Oct. 5				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
10,760	3,857	1,962	16,579	10,760
10,620	4,398	2,131	17,149	+1.3%
-12.3%	-7.9%	-3.3%		
(Included: KFRC, KGO, KJBS, KPO, KSFO)				

Web Units Rise 10%

In Salt Lake City

Salt Lake City, Oct. 15.
KDYL: Lady Fair Hats, 13 50-word announcements; Cordova's Rancho Grande, 120 announcements; LeVita Bottling Co., 60 50-word announcements; Warren Radio, 26 announcements; Maxfield Feed and Coal, 52 50-word announcements.

KSL: Packard Motor Co., through Young & Rubicam, 100-word announcements; Schubach Jewelry, series of 300 announcements; Utah Power & Light Co., 26 quarter-hours weekly; Arthur Frank (Men's Clothing), 52 weekly quarter-hour programs; Floresheim Shoe, 13 weekly quarter-hours; Flint Distributing Co., through Featherstone Advertising Agency, five 50-word announcements daily; The Church of Christ, renewal contract for 52 weeks, two quarter-hour programs weekly.

KUTA: Western Supply (Crosley Appliances), direct, 300 spot contract; Southeast Coal Co., direct, 52-time contract; Cystex, 100 spot announcements; Castpaw Rubber, 52 spot announcements; J. B. Burnham Co., direct, 'Football Forecast', one quarter-hour program weekly; Woolley's Roller Rink, contract renewal for 52-time spot announcements; Porter Walton Co. (seeds) direct, 52 spots.

Oct. 12 Compared to Oct. 5				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
7,651	2,547	617	10,815	7,651
6,981	2,777	604	10,362	+9.9%
-8.3%	+2.2%	+4.8%		
(Included: KDYL, KSL, KUTA)				

Detroit Web Units

Zoom 17 1/2%, Aided By World Series

Detroit, Oct. 15.

Network business shot up over 17% here last week. One of the factors in the rise was CKLW's carrying of the World Series while WWJ, which carried the ball games for General Mills and Socony, turned to its regular network business. Local business unaccountably fell off but the average business gain for the week came close to four per cent.

WJR: Pinex Company, 15-minute musical program, three times weekly through March 7, Russel M. Seeds, Chicago; Grove Laboratories, 15-minute newscast, three times weekly through March 7, J. Walter Thompson, N. Y.; Maxwell House, 'Kate Hopkins', 15-minutes, five weekly, 52 weeks; General Foods, 15-minutes 'Portia Blake' five times weekly, 52 weeks; Best Foods (Nucca), 15 minutes 'We, the Abbots', five times weekly, one year.

WXYZ: Michigan Consolidated Gas Company, 15 minutes, twice weekly; West Foods (Nucca), 15 minutes; Chicago; Fox Duxie Beer, 15 minutes weekly, national football review, nine weeks, Schwimmer & Scott, Chicago.

Oct. 12 Compared to Oct. 5				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
8,810	10,930	4,942	24,682	8,810
7,504	11,371	4,880	23,755	+17.4%
-3.9%	+1.3%	+3.9%		
(Included: CKLW, WJBK, WJR, WMBK, WWJ, WXYZ)				

ALLIED MILLS CUTS PLATTERS AT WORLD

Allied Mills is having a hillbilly music series recorded for it by World Broadcasting System. Fifteen-minute discs are titled 'Wayne Mail Box'.

L. A. Units Riding Steady Groove; KNX Lands 35G in Local Contracts

Los Angeles, Oct. 15.

MEDICO PIPES IS NEW

Sponsoring Football Score Summaries Around Country

Medico Pipes is taking a flier in radio, buying football score summaries following play-by-play broadcasts on stations in various parts of the country.

E. T. Thomas is the agency.

Increases were pretty much on holiday last week, the margins showing only slender gains. KNX claimed a field day for its sales crew, hauling in \$25,000 in local biz commitments exclusive of politico spending, which will add another \$10,000. Hot race for district attorney is rebounding to radio's profit.

KNX: Wesson Oil, 65 participations in 'Fletcher Wiley' combination, through Fitzgerald agency; Power Seal, 12 participations; 'Midnight Merry-Go-Round', through Mayers Co.; Fox-West Coast, theaters, 26 time signals, through Western Adv.; Breakfast Club Coffee, 104 quarter-hour transcriptions of 'Ask the Missus', through Lockwood-Shackelford; Balto dog food, 65 participations in Wiley combo, through Dan B. Miner; Musterole, 156 weather reports, through Erwin, Wasey; Del Monte coffee, 126 participations in Wiley combo, through McCann-Erickson; Forest Lawn Memorial Park, four 15-minute programs, through Dan B. Miner; Brooks Clothing, five quarter-hour sports programs, through Stodel Adv.

KFI: Zeeman clothing, 34 quarter-hour broadcasts of 'Cabbages and Kings', through Lockwood-Shackelford; Chelsea cigarettes, 13 participations in 'Bridge Club', through Warwick & Legler; Brooks clothing, five quarter-hour 'Football Footnotes', through Stodel Adv.; No Third Term Committee, 19 quarter-hour political talks, through Richard Connor; Amber Lion hair tonic, 39 participations in Art Baker's 'Notebook', through Ivar Wallin; McMan furniture, 37 quarter-hour commentary programs by Fleetwood Lawton, through Ad Carpenter.

KECA: Kelley Kar, 39 quarter-hour sports programs, through Allied Adv.; Todd clothes, 13 quarter-hour broadcasts of 'Time Out', through W. J. Newman; Stein clothiers, 156 participations in 'Breakfast Club', through Allied Adv.; Federal Outfitters, 313 half-hour recordings, through C. R. Watts.

KHJ: Tea Garden Products, 26 half-hour broadcasts of 'I Want a Divorce', through Brisacher-Davis; Guaranty Union Life, 52 quarter-hour programs, through Stodel Adv.; No Third Term Committee, 11 quarter-hour political talks, through Richard Connor; Roma, 104 quarter-hour programs, through C. Sana & Associates; Lyman and Levy restaurants, 20 participations in 'Happy Homes', through Hillman Shane; Honor Brand frozen foods, 24 participations in 'Happy Homes', through Hillman-Shane; Blue Ribbon books, six five-minute programs through Northwest Adv.

KFWB: Hollywood for Roosevelt, 24 quarter-hour political talks, through Milton Weinberg; Citizens Committee for Buron Fitts, five quarter-hour political talks and 60 spots, through Allied Adv.; Peerless Laundry, 20 participations in Tom Stoddard bridge lessons, through Associated Adv.

Oct. 12 Compared to Oct. 5				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
11,212	10,941	2,278	24,431	11,212
11,017	10,854	2,312	24,183	+1.8%
+0.8%	-1.5%	+1%		
(Included: KECA, KHJ, KFWB, KHJ, KNX)				

STEBENVILLE STATION DEPT. STORE PRONTO

Stebenville, O., Oct. 15.

WSTV, new outlet here is expected to start operations on Oct. 22 under John Laux as general manager. John L. Meridian, formerly of KQV, Pittsburgh, has been named program director, and Joseph Troesch, chief engineer. Station has made arrangements with Lang-Worth, Broadcast Music, and United Press.

Hub Department Store will sponsor two UP news programs daily.

A. B. Willard, Jr., general manager of WJVS, Washington outlet of CBS, is giving a series of 15 lectures on radio to students of the University of Maryland department of speech. Some of the sessions are being held in WJVS studios so the students can see actual programs in progress.

TODAY'S RADIO BUSINESS

Agency Time-Buyers See Hitchhiking Announcements Bewildering to Listeners

Some agency time-buyers are of the opinion that the problem of hitchhiker and chainbreak announcements will not be solved by the discussions now going on between the networks and their affiliated stations but rather by the dictates of advertising expediency. Advertisers, say these agency men, are beginning to find out that the crowding of four announcements for three different products within three minutes tends not only to bewilder the listener but to vitiate the effectiveness of all the plugs.

As the agency men see it radio is being forced to do more than it is actually capable of performing. Firstly, the practice presumes that the listener has all attention centered on the loudspeaker. Secondly, that the average mind can assimilate and pigeonhole the themes of three or four different subjects shot at it in almost rapid succession. These agency men think that this

overloading works the other way and that it would be more logical to assume that such a welter of topics leads to confusion. They also believe that the advertising potentialities of this sort of setup are being over-milked and that when the reaction sets in from sponsor quarters the broadcasting business will want to know didn't somebody warn it in time.

Following is the pattern of four announcements within the space of three minutes. Plug No. 1 is the copy which comes at the close of the network program and whose product is regularly associated with that program. Plug No. 2 is the hitchhiker or trailer announcement about another product that the same sponsor tags on just before his designated time expires. Plug No. 3 is the chainbreak announcement worked in by the local station, and plug No. 3 in the opening copy of the succeeding network program.

Inside Stuff—Music

United Airlines is seeking a tieup for advertising purposes with Ray Noble's composition, 'Oakland to Burbank', which Shapiro, Bernstein & Co. has taken over for publication. N. W. Ayer, agency on the account, would like to have the picture of a United Airliner carried on the number's title page and orchestration. Noble has named Jonie Taps, Shapiro-Bernstein's general manager, as personal rep on all the bandleader's instrumental works and Taps in turn has assigned the copyright on 'Oakland to Burbank' to his firm. Ayer would also make use of the tieup in a western ad campaign.

Investigating staff of the Music Publishers Protective Association has a decided interest in Arthur (alias Moe) Newman who surrendered to the New York police last week in connection with Mayor Fiorello LaGuardia's drive on smutty magazines. Newman was accused of being the publisher and distributor of several such mags. Following a long surveillance by FBI men and MPPA investigators, Newman early this year was nabbed in New Jersey on charges of printing and distributing bootleg songbooks and indicted by a Federal grand jury. The Jersey case is yet to be disposed of.

Into a Hollywood night spot walked a band leader accompanied by a large party, including a stranger who was introduced as the leader's manager, who paid for the entertainment with a \$100 check. Next night the manager came back and signed another check for \$200. When Monday came around, the two checks came bouncing back, and the band leader denied all knowledge of them. The nitery is looking for the elastic check writer.

Buffalo Probation Department probe was ordered last week of five men (Negroes) seized during near-riot at Erskine Hawkins' one-nighter here (2). Court convicted them of being drunk and emphasized that disturbance during shuffle attended by 1,100 persons was 'too serious a matter to treat lightly.'

Unaccountable success of 'MacNamara's Band' on the jukeboxes has led Jerry Vogel, its sole selling agent for the U. S. and Canada, into ballying the sheet music angle. Tune was copyrighted by J. H. Larway in 1917.

Woody Herman's Return Awaits Lyman Dating

Woody Herman's band returns to the New Yorker hotel, New York, this year, coming back either Dec. 20 or 27 for 15 weeks. Band will succeed the current Abe Lyman to whom Herman's group gave way last Thursday (10).

Return date is indefinite due to Lyman's undecided starting date at the Strand theatre, N. Y., to which he shifts from the New Yorker.

Xavier Cugat cut his first records on the band's new Columbia Recording contract in Chicago, Monday (14). Band flew there from its location at the Statler hotel, Detroit.

Louisville Looks Better

Louisville, Oct. 15.

Dancery biz is beginning to hit its stride here. Iroquois Gardens has lined up a string of bands for the indoor season. Opened with Bob Sylvester on Oct. 12-13, to be followed on week-ends by the orchestras of Tommy Carlyn, Jerry Blaine, Hugh Monaco, Dick Shelton, Al Kavelin, Walter Powell, Wayne Karr and others.

Madrid Ballroom opened Saturday and Sunday (12-13) with Rudy Bundy, who played a long engagement here a couple seasons ago. Charge is 75c. Spot is the most commodious in town, but has been little used during the past year, with the exception of occasional club dance bookings.

Haynes Weds Polly Davis

Don Haynes, one-night booker for General Amusement Corp., and Polly Davis, secretary to Glenn Miller, were married Saturday (12) in New York. Pair honeymooned in Atlantic City for three days.

Miller maintains an office in Radio City, N. Y., where all his correspondence is handled. Former Miss Davis presided over it.

New Publisher Vamps Until ASCAP Decision

Irwin Dash and Reg Connolly have decided not to launch their American publishing venture until after the American Society of Composers, Authors and Publishers and the radio interests have settled their differences over the new licensing contract. Pair don't want to get started and then find their publications without an exploitation outlet Jan. 1.

Dash had intended to include 'There'll Always Be an England' in his American catalog, but instead he's permitted Gordon Thompson, who holds the Canadian rights, to assign the American agency for the song to Carl Fischer, Inc. Dash's whilom London firm is the original publisher of the number.

Jack Wardlaw Out Again

Charlotte, N. C., Oct. 15.

Jack Wardlaw and his band, re-equipped after their brush with disaster in the Polly Beach hurricane in August, have opened a new supper club at the Carolina Pines clubhouse near Raleigh. He headed the band playing for the original opening of the Pines eight years ago.

He has assembled floor show talent headed by Buddy Dunn, emcee, and featuring Rasputin, the mad drummer; songs by Joanne Leaux, and Darrell Forrest, trumpeter.

15 Best Sheet Music Sellers

(Week ending Oct. 12, 1940)

Blueberry Hill	Chappell
God Bless America	Berlin
*Only Forever ('Rhythm on the River')	Santly
Shout, I Am an American	Mercer
Maybe	Robbins
I'll Never Smile Again	Sun
Call of the Canyon	Shapiro
When the Swallows Come Back	Witmark
Crosstown	Shapiro
Ferryboat Serenade	Robbins
Sierra Sue	Shapiro
Practice Makes Perfect	BMI
We Three	Mercer
*Our Love Affair ('Strike Up the Band')	Feist
*That's for Me ('Rhythm on the River')	Famous

*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 (Oct. 7-13). 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
Ferryboat Serenade (8)	Robbins	37
There I Go (11)	BMI	36
Practice Makes Perfect (11)	BMI	32
Trade Winds (10)	Harms	32
Our Love Affair (5)	*Strike Up the Band	27
Same Old Story (11)	BMI	25
Rhumboogie (7)	*Argentine Nights	19
A Million Dreams Ago (6)	AEC	18
I Give You My Word (3)	BMI	18
Looking for Yesterday (6)	Berlin	18
Maybe (11)	Robbins	18
Now I Lay Me Down to Dream (5)	Remick	18
Call of the Canyon (11)	Shapiro	17
Crosstown (7)	Shapiro	17
Only Forever (7)	*Rhythm on the River	15
That's for Me (10)	*Rhythm on the River	15
We Three (4)	Mercer	15
Get the Moon Out of Your Eyes (12)	Paramount	13
I'm Nobody's Baby (18)	*Andy Hardy Meets Debs	14
When the Swallows Come Back (16)	Witmark	12
World Is in My Arms (2)	*Hold On to Your Hats	12
And So Do I (9)	Marks	11
Blueberry Hill (14)	Chappell	11
My Greatest Mistake (2)	BVC	11
We Could Make Such Beautiful Music (14)	BMI	11
I Hear Music (2)	*Dancing on a Dime	10
I'm Home Again (6)	Olman	10
Moon Over Burma (1)	*Moon Over Burma	10

DIRECT BOOKINGS - - - DATES AVAILABLE

King Of The Saxophone

CHARLIE BARNET

and HIS ORCHESTRA

Featuring Bob Carroll... Harriet Clark... Ford Leary... Cliff Leeman

EXCLUSIVE VICTOR-BLUEBIRD RECORDING ARTISTS

Currently until Oct. 19

Brunswick Hotel, Boston, Mass.

Oct. 20-27 (return engagement)

Dancing Campus, World's Fair, New York

Nov. 1-7

Shea's Theatre, Buffalo, New York

Nov. 8-14

State Lake Theatre, Chicago, Ill.

All contracts for the appearance of Charlie Barnet and his orchestra must bear his personal signature.

Address All communications:

Charles Weintraub—1501 Broadway, New York

BLOW AT WIRE DEALS DUE

Publishers React to Foreign Deal With Reply: 'Proves ASCAP No Monopoly'

Broadcast Music, Inc., continues to acquire the broadcasting rights to foreign catalogs. The latest is G. Ricordi & Co., of Milan. What this deal embraces are the works of Italian composers not falling within the ASCAP catalog through the latter organization's affiliation with the Italian performing rights society, Topmost of the composers in the Ricordi roster is Puccini, whose operas include 'Madame Butterfly,' 'Tosca,' 'The Girl of the Golden West' and 'La Bohème.'

ASCAP quarters expressed itself as gratified by BMI's deals for these various outside repertoires, since it tends to prove that ASCAP holds anything but a monopoly on music rights. BMI in its publicity release on the 'Ricordi' acquisition stated that it 'brings the total music titles which will be available for radio after Jan. 1, 1941, to 240,000.'

ASCAP publishers admit that BMI's tieups for Italian, German and Latin American music are imposing but add that they are wondering what BMI will find to substitute for 'Goodnight Sweetheart,' 'Sweet Sue,' 'Honeysuckle Rose,' 'St. Louis Blues,' 'I Love You Truly,' and 'Melancholy Baby,' among others.

Rockefellers May Need ASCAP License; Rapee Went to Pubs Direct

American Society of Composers, Authors and Publishers will decide this week whether to ask the Rockefeller interests to take out a license for the Center theatre, Radio City, which is currently showing on its stage, 'It Happened on Ice.' ASCAP became interested in the show when it heard that Erno Rapee, the production's pit maestro, was calling up publishers affiliated with ASCAP for permission to interpolate without compensation several copyrighted standard numbers in the score. Rapee advised the publishers that if they didn't grant this permission he would resort to works in the public domain.

The last time that the Center had a license from ASCAP was when it showed Disney's 'Pinocchio.' Question that ASCAP will have to decide in this instance is whether the ASCAP music is used as background music for the skating numbers or whether it's used as an integral part of a dramatic performance. If it's the former, ASCAP will require a license. If it's the latter, the publisher can collect directly, or forget about it.

FILED TOO EARLY

Court Allows Max Kramer Chance To Return Later

Suit of Max J. Kramer against the Muzak Corp., for \$250,000 alleged damages for failure to carry out an agreement, was dismissed as premature by N. Y. supreme court Justice Julius Miller, Wed. (9). The court ruled that the alleged breached contract was not to go into effect until Dec. 1, and granted plaintiff leave to amend the complaint, bearing that in mind.

Kramer asserts he signed an agreement with Muzak granting him exclusive rights to broadcast music using the 'Muzak' name in Miami and Miami Beach, Florida, for 10 years. He was to have received equipment to put his end of the deal into effect. Complaint charged that Muzak failed to grant him exclusive rights and failed to deliver the equipment.

Mills Music, Inc., has obtained the score of 'Meet the People,' the Hollywood-produced stage revue. Also the publishing rights to Republic's 'Melody and Moonlight.'

Judicial Showmanship

Milwaukee, Oct. 15. Judge James Arnold, of the West Milwaukee police court, officiated at many marriages, particularly so since the conscription bill passed, but the jurist concluded the other day that the routine and businesslike procedure lacked the atmosphere that should surround a ceremony of this import.

So—he bought a music box that plays Lohengrin's 'Wedding March' while the couples say 'I do,' and business is better than ever.

MUTUAL TOPS NBC, CBS ON BMI RULE

Beginning this week all bands on Mutual Broadcasting System's remote pickups will have to schedule at least four BMI or non-ASCAP tunes each half hour broadcast. Net has also ordered that the four numbers cannot be played consecutively, but must be split, two during each 15 minute halves. Leaders have not been notified by letter of the change, in fact when one did ask for the order in writing it was refused, but rather are being informed by telephone.

Jumping the number of such tunes to four puts Mutual's BMI or non-ASCAP requirements above those in effect at NBC or CBS. Each of the latter is still asking only three, an order which went into effect only recently. When the rulings covering the use of non-ASCAP tunes first were made NBC called for only one per broadcast. That started last July 1, but did, however, explain that as the Jan. 1 expiration date of the agreement between ASCAP and radio approached the number would have to be increased.

PROHIBITION SPOT REOPENS IN DETROIT

Detroit, Oct. 15. With the town's largest dance floor, the Grand Terrace, famous spot in prohibition years, has reopened here after a \$50,000 face-lifting. The opening originally was scheduled for early summer, but a fire set back the plans. Opening orchestra is Mike Riley's band, with Ed Farley and Marion Miller.

One of the features of the place is a merry-go-round bar, just inside the entrance, on which patrons and attendants both revolve. This is the hard drink bar. At the rear end, closer to the orchestra and to appeal to the juvenile trade, the spot has a soft drinks bar.

Harms Suit Settlement

Suit of Harms, Inc., against the Brunswick Record Corp., Columbia Phonograph Co., Inc., and Columbia Recording Corp., for \$30,063 over alleged unpaid royalties due on songs, was settled and discontinued out of the N.Y. supreme court Friday (11). Suit asked \$23,791 against Brunswick, \$1,121 against Columbia Phonograph, and \$5,151 against Columbia Recording.

There were 474 songs involved in the action from 1930 to date, with the complaint being made that erroneous statements were furnished the plaintiff on the actual sale of the records.

A.F.M. MAY END LINE ADVANTAGE

Petrillo Known to Frown Upon Blanket Deals Between Band Bookers and Networks—Gives One Office Big Competitive Advantage Over Rivals

BANDS PAY ANYHOW

James C. Petrillo, American Federation of Musicians prez, is reported as being on the verge of cracking down on the network wire situation as far as band bookers are concerned. Intimations have flowed out of the international union that Petrillo will within a short time issue a regulation banning band booking offices from purchasing remote pickup lines from networks or local stations. Under a rule put into effect by the AFM some time ago the bandleaders themselves are barred from paying for their lines.

The reports are that Petrillo is determined to wipe out the advantages that the purchase of such lines bring to a band booker. Petrillo feels that the payment for lines should be strictly the concern of the spot contracting for a band's services and that the circumstance that a booking office controls so many broadcast hours a night should not serve as an influential factor in a booking office's relations with an employer or a band.

AFM would experience little difficulty in enforcing the ban on wire buying against the band bookers since all of them are licensed by the International. Petrillo's proposed action would mean the cancellation by Music Corp. of America of its contract with CBS. This contract guarantees the network a minimum of \$75,000 for a minimum of 20 hours a week to be used exclusively for the pickup of MCA bands.

NBC's Request

Various band booking offices were called in by NBC the week before last and asked to submit propositions for the purchase of NBC wires. The bookers were asked to state how many hours a week they wanted and how much of an annual guarantee they were ready to offer for the service. Consolidated Radio Artists, Inc., formerly had an exclusive contract with NBC on band pickups but this arrangement ended with the settlement of a \$40,000 obligation that NBC had against CRA.

Eddie Janis Heads BMI On Coast; Disc P. D. Tunes

Hollywood, Oct. 15. Hollywood adjunct to Broadcast Music, Inc., came to life last week after a long stretch of lethargy. Eddie Janis, for 15 years Coast professional rep for music publishing houses, started functioning as western manager of radio's own music outfit, and Lud Gluskin put his orchestra through dozen transcriptions of public domain tunes, freshened up with his own arrangements.

Platters will be distributed nationally to exploit the non-ASCAP melodies.

Roy Harris With Mills

Roy Harris, American composer of symphonic and chamber music, has signed a five-year exclusive contract with Mills Music, Inc. The Mills firm rates this as its most important coup since spreading out into the standard field. Harris' works include 'Folk Song Symphony,' 'Challenge,' 1940; and 'Song for Occupation,' 'When Johnny Comes Marching Home' and 'Third Symphony.' His works were formerly published by C. Schirmer, Inc.

Neglected Contacts Revisited As Songpluggers Seek Offset To Dwindling Radio Breaks

Suit Over 20th Century Music Title Abandoned

Suit of F. Gilbert Pollay, as the 20th Century Music Publishers, Inc., against 20th Century-Fox Film Corp. and 20th Century Music Corp. was settled and discontinued last week in N. Y. federal court. Action sought to enjoin the film company and its subsidiary from the use of 20th Century.

Pollay claims to be a composed and music publisher operating from Winslow, Ariz., and in business since 1913. He claimed the defendants were incorporated in 1935 and 1938 and have been infringing on his trade name.

The film company, for its defense, claimed it made an exhaustive search which failed to show anyone using it, and claimed that the plaintiff in 1938 schemed to get at 20th-Fox by incorporating, putting out several songs, and then sued.

ASCAP AGAIN DEDUCTS FOR WAR FUND

For the third successive quarter the American Society of Composers, Authors and Publishers has deducted a portion of its collections for deposit in an emergency fund which is to be used in the event it fails to get together on a new licensing contract with the major radio interests by Jan. 1. The distribution of royalties for the third 1940 quarter, which was made last week, equalled just about the amount that had been whacked up for the parallel quarter of 1939, although the collections made this time were almost 15% bigger.

Policy of paying off no more than had been divvied up for the same quarter of the year before the putting aside the difference was adopted by the ASCAP board of directors at the beginning of this year. The plan is to apply this difference to the collections of each quarter in 1941. Even if no contracts are made with the networks and major local stations, there will be no income from other sources, such as film theatres, restaurants, dancehalls, hotels, nightclubs, etc. In 1939 the income from these sources amounted to \$2,369,729. ASCAP figures that it will get easily \$3,000,000 and that with the \$1,000,000 to \$1,500,000 deducted during the current year it will have \$4,000,000 to \$4,450,000 to split up during 1941. In 1939 the Society's gross was \$6,511,753.

DREYFUS FIRMS UNDER ONE ROOF IN N. Y. C.

Max and Louis Dreyfus will soon have all their firms under one roof. Arrangements have been made to move the Crawford Music Corp. over to the RKO building in Radio City where Chappell & Co. and Mario Music Co. are also quartered.

Norman Black at WFIL

Philadelphia, Oct. 15. Norman Black's orch., seven-man string crew, has been named house band at WFIL, replacing Anthony Candelore's orch which held forth at the studio for the past 18 months. Black (nee Nathan Schwartz) will concentrate on the classical with very little swing.

Chicago, Oct. 15. With the loss of radio time looming darkly around the corner, music men are readying to enter new avenues for the exploitation and plugging of their tunes. Those who haven't seen anybody but the top bandleaders for years are now preparing to give the handshake to acts, obscure theatre organists, cocktail musical groups, tavern singers and single engagement orchestras, plug outlets which have not been important to the music business for many years, but which today suddenly spring to a position of prominence to all music men.

In the days before radio acts and theatre plugs were a main source of exploitation for tunes. To have a person such as Sophie Tucker, Aileen Stanley, Grace LaRue, Ted Lewis, John Steele take over a song for a circuit ride meant a year-in, year-out plug for a song throughout the chief vaude theatres of the nation, and these vaude acts were much sought after by the pluggers. But with the coming of radio; the song men turned from the backstage hangouts and began haunting the studio.

Small orchestras, cafe singers and cocktail groups not only haven't been courted by publishers, but were even snubbed and refused professional copies, even if they made a personal visit to the offices and asked for copies.

Now the pluggers are turning back to the personal and non-radio plug, road-houses, theatres, non-wire cafes which haven't been visited by publishers in several years.

Once more the publishers are catering to a singer who can get up on the stage of a 3,000-seat theatre and plug a new tune to as many as 75,000 people in a week. For the past years the publishers have been passing up this 75,000 audience, but now they realize once more that this 75,000 audience in one theatre is multiplied many times in theatres throughout the nation, and that this in-person plug is important to offset radio losses.

Music Clubs Pro-ASCAP

New Orleans, Oct. 15. The Louisiana Federation of Music Clubs Saturday (12) protested the planned boycott by broadcasting stations of American musical composers protected by the ASCAP.

Mrs. Grace Towne of New York, speaking at a regional meeting here, said the boycott 'is a deliberate movement to deprive the composers of royalties.'

Out of Court Ending To Denton & Haskins Case Involving 1918 Songs

Suit of Gertrude Wood Bernstein against Joseph J. Denton, William R. Haskins, and Isabelle C. Haskins, doing business as Denton & Haskins Music Co., Inc., will shortly be settled out of the federal court. A stipulation filed by the plaintiffs' attorney requesting that the case be taken off the trial calendar, indicated that the defendants have accepted the plaintiffs terms and will sign a settlement in the near future.

Action involved two songs written by Leo Wood, former husband of the plaintiff in 1918 and published by the defendants. The songs were 'Somebody Stole My Gal,' and 'That's What God Made Mothers For.' It is claimed that after Wood's death in 1929, when the rights were acquired by the plaintiff, the defendants have refused to pay royalties. The agreement between Wood and the defendants was cancelled by the plaintiff in 1938, and she sought in this action to restrain them from further publication, and asked an accounting of profits, back royalties and damages.

Band Reviews

GLENN MILLER ORCH (17)
With Marion Hutton, Ray Eberle,
Hotel Pennsylvania, N. Y.

Back again in the Cafe Rouge of the Hotel Pennsylvania, N. Y., Glenn Miller is smoother than ever, a musical trailer for his Chesterfield cigarette sponsors and seemingly big b.o. in this room. At his own request cut to a three-month stay, revised downward from a six-month commitment, Miller is giving out a peak pace, under an expressed desire that too long in one spot does something to his enthusiasm.

Just off a one-night dance tour, it was a bit of a problem for the bespectacled trombone-maestro to gear his volume back to normalcy, as benefits the confines of a hotel grillroom, but that's well under control now, and he socks it out without impairing the general acoustical setup. His team of eight brasses is well under control in contrast to the five reeds and a rhythm section of four. Supplementing are the cute Marion Hutton, who, like her sister Betty, is a neat blonde looker and an effective scat-vocalizer up front. Ray Eberle, another whose frere, Bob, has established himself vocally (Jimmy Dorsey's band), knows how to handle a ballad refrain. Jack Lathrop and Tex Beneke are other audible assets to the setup.

With maestro Miller tromboning, there are three other slyphons in Paul Tanner, Jim Priddy and Frank D'Amico; four trumpets, Johnny Best, Zeke Zarchy, Mickey McKie and Charles Frankhauser; Hal McIntyre and Ernie Cacares on alto saxes; Al Klink and Tex Beneke on tenor saxes, and Wilbur Schwartz, clarinet, plus a rhythm quartet comprising Maurice Purtill, drums; Trigger Alpert, bass; Chummy MacGregor, piano, and Jack Lathrop, guitar.

Withal, Glenn Miller's is a band that satisfies. Alternating relief combo is Ciro Rima's Cuban troupe, a versatile aggregation best known the varieties, although on the night caught Ralph Rogers' band was the relief for the relief orchestra, the Rima's doubling into a vaude date in the Bronx. Abel.

CLAUDE THORNHILL ORCH (14)
Peacock Court
Hotel Mark Hopkins, S. F.

Unique situation is booking of unknown band by top hostelry in competition with Artie Shaw at the Palace and Freddie Martin at the St. Francis. Two of the season's hottest Frisco draws. Tribute to newcomer is fact he is getting good play and fans like him.

Thornhill's specialty is piano. Instrument is parked front-center, with batonier spending most of his time at the ivories. Balance of band comprises two clarinets, four sax, three trumpets, two trombones, stringbasses and drums. Nearest thing to strings is a clarinet sextet which has been developed to the point where it sounds uncannily like a violin section, horns being geared for upper registers and perfectly blended.

Band hasn't evolved any particularly distinctive style. Thornhill's ambition being to play everything, developing the unit so it can play anything anywhere. Intimate Peacock Court makes the suitable contrast, being just opposite of gigantic Balboa ballroom he occupied in Southern California all summer. Present band is just a year old, current engagement marking its first real hotel date. Played substitutions in New York last winter and a month in an obscure Hartford spot before heading west.

Thornhill was formerly arranger for Kostelanetz, Whiteman, Noble, Goodman, Skinnay Ennis and Hal Kemp among others, and made up 60 arrangements for himself before organizing his own band. Chucked arranging because he wanted to get back to pounding piano for himself again. He is also credited with having made Maxine Sullivan through his orchestrations of old Scotch airs in swing time.

Now has a Doctor of Philosophy as has his assistant arranger, Bill Bordone, who got his Ph.D. at Princeton in 1937 and uses a mathematical approach, working out chord progressions and melodies on graph paper. Thornhill airs nightly on CBS, frequently on Trans-Continental. During other time he hots things up considerably, explaining reason beforehand to Frisco dancers who like an easy-going shuffle. Wern.

JACK TOWNES ORCHESTRA (9)
El Morocco, N. Y.

Jack Townes has a nifty dance band at the refurbished El Morocco, still the town's No. 1 class nitery (along with Felix Ferry's Monte Carlo and Sherman, Billingsley's Stork, of course) and looking even better under its new Vernon MacFarlane decor, which has resurrected the famed zebra-stripe background against which 'cave society' likes to pose so photogenically. Townes' men also fit the scene like old home week, many being recruits from the original Ernie Holst band, long a fixture at John Perona's nocturnal hangout. Holst is presently in Chicago.

Townes has a rhythmic setup with the maestro sacking at the helm, embracing three reeds, three brass and three rhythm, including much versatility on the vocal end, ranging from solos to quartets. Class cafe bands like Townes, Holst, Ted Straeter, Jack Harris, Val Olman, et al. are stylized so that the melody is predominant along with a must emphasis on forthright rhythmic pattern. Abel.

UNION LOSES APPEAL

Was Fined \$500 'For Putting Ballroom Out of Biz'

Easton, Pa., Oct. 15. The Pennsylvania Supreme Court has upheld the verdict of a Northampton county jury, rendered here, awarding \$500 damages to the Eddyside Company of Easton against Local 379, American Federation of Musicians, of Easton. The Eddyside Company charged that the Easton local had placed its ballroom on forbidden territory, just forcing it to close because it could not get orchestra.

The union took the appeal to the Supreme Court, the decision being handed down last week.

George Bassman went to work on the scoring of 'Hullabaloo' at Metro.

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 Week	Total Covers On Date
Eddy Duchin.....	Waldorf (500; \$1-\$1.50).....	5	1,050	6,450
Ray Heatherton.....	Biltmore (300; \$1-\$1.50).....	3	200	925
Abe Lyman.....	New Yorker (400; 75c-\$1.50).....	0	1,900	11,000
Ray Kinney.....	Lexington (300; 75c-\$1.50).....	22	1,475	28,350
Guy Lombardo.....	Roosevelt (500; \$1-\$1.50).....	1	1,375	2,125
Glenn Miller.....	Pennsylvania (500; 75c-\$1.50).....	1	1,850	1,850
Tony Pastor.....	Lincoln (225; 75c-\$1.50).....	2	475	1,400

* Asterisks indicate a supporting floor show, although the band is the major draw. †3 days.

Glen Island Keeps On

After a wobbly start, indications are that the post-season operation of the Glen Island Casino, New Rochelle, New York, will continue. Les Brown's orchestra has been set to succeed the current Gene Krupa next Tuesday (22). Krupa shifts to the Roseland Ballroom, N. Y., for a month Oct. 23.

Whether or not Glen Island would continue its first attempt at remaining open following the normal summer season was doubtful for a while. Response was not good the first week, but almost doubled the second.

Byrne Will Play Own Trombone or Won't Play

Bobby Byrne's appendectomy has started a controversy as to whether he will play his scheduled date at Meadowbrook, Cedar Grove, N. J., which begins Oct. 22. Leader was operated on at Post Graduate hospital, New York, last Wednesday (9), while his band was at the Strand theatre, N. Y. General Amusement Corp., Byrne's bookers, and Frank Dailey, owner of Meadowbrook, say the band will complete the date. Byrne says it won't.

GAC and Dailey want the recuperating leader on tap with his outfit as scheduled, not to play with, but just to lead the band. Byrne says his band's arrangements are built around his trombone and that inasmuch as broadcast wires are plentiful from Meadowbrook he wants no substitute playing his horn and maybe lessening the band's effectiveness.

Detroit Jitterbugs Meet Politicians—Riot Results

Detroit, Oct. 15. A riot broke out here last week when jitterbugs and politicians got their wires crossed. The Forest Club here was scheduled for both a Wendell Willkie rally and a jitterbug contest. About 300 Negroes showed up for each event. Result was a ruckus which brought out the police riot squads.

What's worse, the clash between the jitterbug contestants and the politicians not only had rocks thrown, but somebody pulled a gat and winged Dovie Buckman, one of the hot contestants, in the foot. Evening ended with neither faction getting the hall and dozens in the coop.

Ken Bailey, saxman, named director in charge of music for Fort Pitt hotel, Pittsburgh. He's installing a three-piece outfit in the cocktail lounge, will arrange all bands for private parties and is to head his own dance crew for dinner and supper sessions in recently reopened Norse room. Bailey replaces Ralph Harrison's 4 Aces at that spot tomorrow night (16). Nucleus of crew will be Bailey, Johnny Mitchell, the store and nitery organist, and Al DeLernia, accordionist. For vocalist, he's signed femme baritone, Jessie Wheatley, who has been singing at Seventh Ave. hotel lounge for last two years.

Victor Young doing the scoring job on 'Moon Over Burma' at Paramount.

BUFFALO NOW HAS MODERN BALLROOMS

Buffalo, Oct. 15. Long-felt need for a new dance spot here was filled yesterday (Monday) with opening of \$2,700,000 Municipal Auditorium. First to play it will be Bob Chester, coming in Thursday (17) for one-nighter.

Since armories were closed to public, this second largest city in state has had no large space to run a name shuffle. Before that, promoters had choice of draughty Broadway Aud (now an armory) and equally airy 174th Armory. Several bandmen in past refused to play here for lack of regular dance space.

Chester booked in by Esquire Ballroom backers, who planned first to run it in their 1,000-person room but changed plans to put on first shuffle in new ultra-modern spot. Dance space is just small part of new Aud, which has large ballroom, numerous lecture and banquet halls, etc. Local-born Rose Bampton sang at yesterday's dedication and Dorothy Thompson gave first lecture last night.

City also unveiled new 3,000-person music hall over week-end but that's exclusively for concert work. No pop music allowed.

Bill Stein Better

Condition of Bill Stein, v.p. of Music Corp. of America, who had his left leg amputated at the knee last week following a heart attack, "100% improved." No further surgery will be necessary as first feared. He has allied enough to express a desire to leave the hospital, but has not yet been told of the amputation. Wound has been covered by baking apparatus which quickens healing.

THE DARK ANGEL OF THE VIOLIN

EDDIE SOUTH

and HIS ORCHESTRA

Opening Oct. 22
CAFE SOCIETY

East 58 St., New York

COLUMBIA RECORDS
EXCLUSIVELY

Personal Management

JOE GLASER, Inc.
30 Rockefeller Plaza, New York
Circle 7-0862

JIMMIE LUNCFORD

And HIS ORCHESTRA

2nd WEEK
FIESTA DANCETERIA
NEW YORK

Mgt. HAROLD OXLEY
17 East 49th St., New York

ELLA FITZGERALD "The First Lady of Song"

Business Opportunities

America's greatest singing attraction, Ella Fitzgerald, the First Lady of Song, and her famous all-star orchestra. Excellent opportunity for wide-awake hotel and night club managers.

MOE GALE.

★ Opening Friday,
October 18

for four weeks at Broadway's
newest Latin-American rendezvous—CLUB TROPICANA.

★ Ella Fitzgerald, the
First Lady of Song,
and her famous orchestra, under the direction of Babe Wallace—and featuring Teddy McRae.

★ Walter Winchell—N. Y. Daily Mirror
"Orchids to Ella Fitzgerald—Ella-gant singing"

★ Dorothy Kilgallen—N. Y. Journal American
"A Gold Star to Ella Fitzgerald"

★ Sid Shalit—Radio Columnist, N. Y. Daily News:
"Ella Fitzgerald is the best swing singer I've heard."

★ Nick Kenny—Radio Editor, N. Y. Daily Mirror
"Ella Fitzgerald and her orchestra are the 'tops'."



Personal
Management

GALE

48 West 48th St.
INC. New York

Chas. Barnet's Rebellion Accumulates New Pressures at AFM Against Him

Charges that he is violating union rules in not heeding an order issued to him by the American Federation of Musicians have been filed against Charlie Barnet with the AFM international executive board. Two such complaints have been presented, one over the signature of Leo Cluesmann, member of the AFM administrative staff under James C. Petrillo, AFM prez., and another by Consolidated Radio Artists. Both, in essence, charge that Barnet is violating union regulations by not abiding by the ruling issued by Petrillo over Barnet's fight with Consolidated.

Ruling in question came after Barnet had severed relations with CRA, which holds a booking contract on his band for 10 years from last March. Leader booked himself at the Fiesta Danceteria, New York, for a stretch beginning last Sept. 13 and CRA made an attempt to halt its completion. At a meeting the afternoon of the band's start at the dancery, Petrillo told Barnet that he had AFM permission to go to court to try to break the CRA contract, but that in the meantime he was to abide by its terms. That meant he couldn't play the Fiesta. Barnet played the date anyway.

In his answer to the Cluesmann and CRA charges, which probably will be heard at the next executive board meeting, Barnet points out that Petrillo's ruling was not consistent. Claims that had he continued working for CRA while resorting to legal proceedings to abrogate the contract, he would be in the position of accepting benefits and thereby recognizing as valid, a situation that he had already denied as being in force. Before the meeting in question the leader had informed CRA, by registered mail, that it no longer was to book his band.

Now Booked

In addition Barnet swears that CRA had no bookings for his band

beyond Sept. 6. Says that as soon as he notified CRA he was going to play the Fiesta beginning the 13th, and was willing to pay it a commission on it, the booking office began setting dates for him to play, all of which conflicted with the Fiesta date.

Those unplayed dates have had repercussions. Leader has received notification of at least two suits lodged against him for breach of contract. One demands \$750 damages for failure to report for a one-nighter Sept. 14 at the Ramona Gardens, Grand Rapids, Mich., operated by Alex Demar. Another wants \$500 for not showing on Sept. 18 at the Strand theatre, Cumberland, Md.

Barnet's own suit against CRA, papers in which were served on CRA Sept. 9, returnable within 20 days, has been delayed. CRA asked for an extension of time in answering the opening gun. Ten-day set back was granted. Barnet is asking for an accounting of monies earned and a release from the 10-year tie.

In the meantime, however, CRA is continuing to 'book' Barnet. Latest is for eight days at Ray Galvin's Raymor Ballroom, Boston, beginning Nov. 16. Leader has advised Galvin it won't be fulfilled and advised CRA again to halt such operations.

Barnet's band with John Kirby's small combo, cracked Gene Krupa's Sunday afternoon and evening record at the Dancing Campus, World's Fair, N. Y. last week (29) by culling 13,184 admissions.

15 In WBEN Unit

Buffalo, Oct. 15. WBEN house band now totals 15 men, plus Leader. Bob Armstrong. Added fiddle section in Milton Ball, first violin: Charlie Coumont, second, and Tony Pecora, third.

Feeds 'Matinee in Rhythm' sustainer to NBC-Red Saturdays at 12:45 p.m.

Federal Court Approves Agreement Settling U. S. Record Tangle

The battle between the U. S. Record Corp. and the Seranton Record Manufacturing Co. was settled Friday (11), when federal Judge Vincent L. Leibell in N. Y. approved an agreement between the embattled pair and the Pilgrim Trust Co., largest creditor of U. S. Record. The dispute arose out of the sale to itself for \$16,000, of mothers, stampers, and masters, originally belonging to U. S. Record on August 19, by the Seranton Record Co.

It was claimed by U. S. Record, which filed its reorganization petition on Sept. 5, that the Seranton outfit was acting illegally in disposing of these assets, and an injunction proceeding to prevent the disposition of the records and masters was begun. On Oct. 8 in Pennsylvania, an agreement was reached, whereby an inventory will be taken of the 235,000 records held by Seranton, with the records being sold by U. S. Record, and the proceeds evenly divided. The records will remain in Seranton's possession, till sold, and Seranton will retain as its own, all mothers, masters and stampers. U. S. Record will receive the mothers, masters and stampers in possession of the Quackenbush Warehouse Co., free of any claims of Seranton.

Transfer of all capital stock of the other organization back to the original owner, and a surrender of notes will be made. The agreement was reached because it was decided most of the records are of popular songs, the lifetime of which is limited in popularity, and the result of a long court battle would leave the winner in a position of owning outdated and no longer desired records.

Harry James shaking up his band. Has replaced guitarist Red Kent with Benny Heller; Hoyt Bohannon, trombone, replaced Truett Jones; John Mezey, sax, vice Sam Donahue, who goes to Benny Goodman; Claude Lahey takes Dave Mathews' sax chair, and Al Stearns is outright trumpet addition.

Ballroom Sues MCA on Tommy Dorsey Booking; 'Malicious Interference'

Widow Sues Cricket Club

Philadelphia, Oct. 15. Mrs. Jane Cobb Skillern, widow of Andrew Porter Skillern, society band leader, filed suit in Montgomery county court on Friday (11) to recover \$50,000 damages from the Merion Cricket Club where her husband was killed last June 15.

Skillern, who was conducting his band at a club dance that night, plunged from the second story balcony when a guard rail gave way. He died the following day of a fractured skull. The suit alleges negligence on the part of the club. Mrs. Skillern asks \$10,000 as administrator of the estate of her husband, and \$40,000 for loss of companionship and maintenance.

WAR PALL CANCELS PHILADELPHIA DANCE

Philadelphia, Oct. 15. Anglophilic Philly society has put a damper on its festivities for the duration of the hostilities overseas and thus has struck a serious blow at an important source of revenue of Philly musicians.

Many private parties have been called off or curtailed. Debuts will probably not be as lavish as before the blitz. One of the most important functions in the local social calendar—the Benedicks' Ball—has been called off entirely. It was to have taken place the Friday after Christmas at the Ritz-Carlton Hotel, but was cancelled at a meeting of its sponsors over the week-end.

The ball—named for a group of married men who founded it in 1898—has only been cancelled three other times in its history—1914, because of the outbreak of war in Europe; 1918, because of America's entry, and 1932, because of business conditions.

Operators of the Palladium Ballroom, Hollywood, have filed suit for \$500,000 against Music Corp. of America, charging 'malicious interference' with Tommy Dorsey's six-week location date at their spot, beginning Oct. 31. Louis Brecker, co-owner of the Palladium and operator of the Roseland Ballroom, New York, asserts that the suit was started on the coast Monday (14) because MCA booked Dorsey at the Paramount theatre, Los Angeles, the two weeks preceding the band's going to work for him.

Brecker's Hollywood partner obtained last Thursday (10) a temporary injunction against Fanchon & Marco, operators of the Paramount, enjoining them from advertising Dorsey's theatre date on the grounds that the ads conflicted with the printed matter re the band's start at the Palladium. Injunction, however, was vacated Monday (14), when a permanent stay was denied. Band's date at the Paramount begins Oct. 18 and ends the day before the start of the Palladium's six weeks. Latter has not been cancelled, Brecker explaining that too much money has gone into advertising the opening and Dorsey's appearance to erase the showing.

Terms of the contract between Dorsey and the Palladium originally called for the latter to add \$3,000 to Dorsey's salary to underwrite the expense of flying his band to the Coast. Brecker says the original intention was for Dorsey to stay at the Astor hotel, New York, until late in October, then fly to the Coast at his expense. Ina Ray Hutton replaced the Dorsey crew early in September, however, Dorsey playing a string of one-nighters in the east before single dating it westward.

There was no understanding between the bandleader and ballroom ops other than the Dorsey crew could play one-nighters up and down the Pacific coast if it desired before starting at the Palladium.

SWINGING A SONG OF HOLD OVERS

NOW PLAYING 2nd WEEK—ROXY, NEW YORK

Held Over 3rd and 4th WEEKS—With the New Picture!

HELD OVER—7 WEEKS

Hotel Syracuse . . .

Signed to return June 14, 1941



HELD OVER at the Neptune

Room, Washington, D. C. . . .

Signed to return Dec. 7, 1940



HELD OVER at the Roxy Theatre,

Atlanta, Georgia . . . First time in the History of the theatre.

ROXY, N. Y.

The one major staging fault is the placing of the Milt Herth Trio within the first 10 minutes of the show. The swing musical outfit could be a closing smash, with the strikingly costumed line's routine to 'Rhum-boogie' adding much to a finale blowoff. Instead, this dance, with the girls pounding tom-toms strapped to their swinging hips, is now merely an interlude in the Milt Herth session, with the Herth crew making it tough for the subsequent proceedings.

Herth, at the electric organ, lively Jack Connor at the drums and marimbaphone, and Morty Jacobs at the piano give out with an infectious brand of swing. They're presented nicely here on a miniature stage that rolls down close to the foots, and they live up to the production niceties in 'Honky Tonk Train Blues,' 'Tea for Two' (Connor on the marimbaphone), 'Sheik of Araby' and the 'Boogie' tune with the line.

Scho.

VARIETY, Issue Oct. 9th, 1940

MILT HERTH

AND HIS

HERTHQUAKE TRIO

Direction
Consolidated Radio Artists

Thanks to
Jack Partington and Jesse Kay

HELD OVER--5 Successive Years DECCA RECORDS

Night Club Reviews

MOUNDS CLUB, CLEVEL.

Cleveland, Oct. 12.
Sammy Walsh, Peggy Fears, Three
Idlers, Sid Prussin's Orch.

As the No. 1 nitery of the town, this urbanly intimate spot and its policy are unique. Seating less than 150, with okay cuisine and service, it gets the biggest play from the most exclusive, blue-booked heavy spenders of Northern Ohio. Since money is no object to sophisticated clientele, it has been getting such names as Hildegarde, Sheila Barrett and, currently, Peggy Fears.

Back in circulation after an illness, Miss Fears looks thinner, but has all of her old vitality. Her voice also is in top condition, hitting highest notes in good form. It's her first nitery appearance here and her act, new to most localities, is as sweetly framed as her smart evening gown.

What makes most of her numbers click are her smart arrangements and showmanship acquired in Ziegfeld shows. She capitalizes latter quality most effectively in her showgirl satire, parading with book balanced on head. Her pipes hit their mellowest stride in "Falling In Love With Love," but she also works up some vocal heat in "South American Way." Delivers six songs so enthusiastically called for at session covered.

Sammy Walsh, emcee, not only warms up the local revue for her but also makes it seem much bigger. Sardonic in wit and volatile as ever, he is given a free hand here, ribbing even the club's best payees. Breezy vein of impudent mockery runs through his impersonations, from his amusing ones on Harry Richman, Ted Lewis and Henry Busse to a new scorcher on Arthur Murray studio teachers. These are familiar bits but smart in well-turned satire, retold engagingly with the Walsh personality.

Three Idlers, a particularly tuneful trio of instrumental strollers, double in revue as background for emcee. Sid Prussin's orch holds the stand, uncorking a brand of sweet, rhythmic danceology that is neatly attuned to the intimate room.

Pullen.

COLLEGE INN, K. C.

Kansas City, Oct. 12.
Harland Leonard Orch with Myra Taylor, Ernie Williams, Darwin Jones, Jessie Price, Royal Rhumballers.

After several years under the label of Club Continental this spot has been refurbished and the policy revised: result, The College Inn, its owner Eddie Spitz's means of reminding the crowd that he's once again downtown after a summer out in the country at the White House Gardens.

The overhauled policy is mainly concentrated in the size of the band. This season Spitz will go in for larger crews with name value, and Leonard is set for several weeks. The lid is off as far as cover or minimum is concerned. This is in deference to the Kansas City closing law, which stops liquor at midnight Saturday. Consequently any attempt at a floor show is almost nullified and with it the idea of a cover or a minimum.

The new system seems to be working as the house take is already up over last season's par, and the operation has been under way only a few days. Spot is being boosted by a nightly half hour via KCKN, 250-watt on the Kansas side of the city, but one which does heavy work to get the band listeners.

Leonard's outfit is of local origination and made its mark here. This move indoors follows its summer at the White House and a previous run at the local Century Room besides a spell in Frisco. Its four-reed five-brass, four rhythm setup is okay and is arranged for special work on the live side, for which this dusky outfit has been noted. Style is somewhat earmarked by the name of Jessie Price, who gets featured billing, at the drums. Myra Taylor (temporarily hospitalized) takes the bulk of vocal work, and male voice work is handled by Ernie Williams, who doubles as front man while Leonard confines himself to lead sax. Darwin Jones, tenor sax member, also takes a turn at the vocals. The crew is under MCA direction and contributes to Bluebird record library.

Between bands sets the Royal Rhumballers continue with their four-piece Mexican string ensemble. They've been on hand for several seasons and are considered part of the lease.

Quinn.

Band Bookings

Tommy Tucker, Nov. 1, week, Lyric theatre, Indianapolis; 10, week, Roxy theatre, Atlanta, Ga.

Bob Chester, Oct. 25-26, U. of North Carolina, Chapel Hill; Nov. 1, Rutgers U., New Brunswick, N. J.; 9, Citadel, Charleston, S. C.; 15, State College, State College, Pa.; 22, Lafayette U., Easton, Pa.

Ina Ray Hutton, Oct. 20, Roxy theatre, Atlanta, Ga.

Johnny Long, Oct. 25, 10 days, To-morrow Pole B, Abundant, Mass.

Cats & Fiddle, Nov. 11, three weeks, Black Bear Cafe, Estery, Pa.

Del Courtney, Nov. 10, Rink B, Waukegan, Ill.; Jan. 3, 1941, Meuhlebach, Kansas City, Indef.

Ben Cutler, Oct. 29-30, Manhattan Beach, N. Y.

Duke Ellington, Oct. 29-30, Orpheum theatre, Madison, Wis.

Ted Lewis, Nov. 7, Palm Isle, Longview, Texas.

Vincent Lopez, Nov. 1, one-night, Benjamin Franklin hotel, Philadelphia; 4, New Bradford theatre, Bradford, Pa.; 6, Capitol theatre, Wheeling, W. Va.

Will Osborne, Dec. 8-9, Michigan theatre, Ann Arbor.

Vaughn Monroe, Oct. 20, Ritz Ballroom, Bridgeport, Conn.

TOM DORSEY DRAWS 3,000 TO PLA-MOR, K. C.

Kansas City, Oct. 15.
First sizeable name band of the fall season was the Thursday (10) night stand of Tommy Dorsey crew at the Pla-Mor ballroom. Band drew over 3,000 customers at a gate admission fee of \$1.30 per head and an advance fee of \$1.15. Total of \$3,250, big money for this spot, but mid-week date held down ticket. Orrin Tucker in date last spring played to over 4,000.

Dorsey and band made a string of one nighters between date in St. Louis and its opening in the Paladium, Hollywood, where the orch will play while working in Paramount's "Las Vegas Nights," Dorsey's first film venture. Lawrence, Kansas, Omaha and Ogden were stops on the one-nighter route.

Manager Will Wittig of the Pla-Mor officially inaugurated the fall season in his newly decorated hall with Dorsey engagement.

Herbie Kay Marries

St. Louis, Oct. 15.
Herbie Kay, orchestra leader and former husband of Dorothy Lamour, screen star, was married on Aug. 13 in St. Charles, Mo., near here, to Mrs. Margaret Elizabeth Rinehart, part owner of an oil reports concern at Houston, Texas, it became known last week. In applying for a license Kay gave his correct name, Herbert Powers Kaumeyer, and Justice of the Peace William F. Wolters who performed the wedding ceremony said he did not know the couple. "There were just another couple to me," he said.

Kay, 31, married Miss Lamour in Waukegan, Ill., May 10, 1935. She obtained an uncontested divorce May 1, 1939. Kay's present wife was the widow of Ira Rinehart, founder of the concern which she now heads. Her father, the late L. B. Denning of Houston, was prez of the Lone Star Gas Co. Kay and his wife are in Houston where the orch is playing an engagement.

Keep Up With Goodman

As well as playing with the New York Philharmonic Symphony Orchestra at Carnegie Hall, N. Y., Dec. 12 and 13, Benny Goodman will probably broadcast with that group Dec. 15. Symphony outfit airs every Sunday afternoon on the Columbia network and, if the idea goes through, Goodman will repeat the numbers he plays with it at Carnegie.

Goodman's new band has been cancelled out of its starting dates at the Coliseum, Baltimore, on Friday (18) and Washington & Lee U., Lexington, Va., the next day because the band won't be ready. It's teoff is now set for the 25th at Lehigh U., Bethlehem, Pa.

Leader will appear at Roseland Ballroom, Brooklyn, N. Y., the night he was supposed to play Washington & Lee to intro the band of Sonny Burke, which he's sponsoring, and which starts a stand there that evening.

On the Upbeat

Sammy Kaye band opens its third straight winter season at the Commodore hotel, New York, tomorrow (Thursday).

George Hall and Dolly Dawn back on Columbia Records' Okeh label. Singer will cut with small combo called the Dawn Patrol as well as with big band.

Red Norvo's 11-piece band makes its first dates in the east starting about Nov. 5. Band has been in the midwest since forming early this year.

Vaughn Monroe closes Nov. 9 at Seiler's Ten Acres; Wayland, Mass., after a summer long stay and heads for one-nighter tour.

Al Kavelin booked to play annual Pittsburgh Auto Show for week beginning Saturday (19).

Teddy King at Yacht Club, Pittsburgh, picked up for at least four additional weeks.

Bob Polan, saxman with Herman Middleman orch, has left that outfit to join house crew at Casino theatre, Pittsburgh.

Joe Villetta, KQV, Pittsburgh, announcer and a band leader on the side, into New Penn, Pitt., for return engagement, second there in as many months.

Douglas Allen, sax player and vocalist with Jerry Fuller's orchestra, has joined the Canadian Navy as bandsman and is stationed at Esquimalt, B. C.

Low Breese band has been bought by the Hannibal, Mo., Chamber of Commerce for an admission free hop Oct. 30, celebrating the paying off of the mortgage on its bridge across the Mississippi and cessation of toll collecting.

Gayle Reed, who sang for two years with Emerson Gill, now with Paul Spor's band, at the Willard Grill, Toledo.

Vanity Ballroom, in the Moose Auditorium, Fort Wayne, has begun its Sunday night public dances, using Franki Schenk and the Wise Sisters.

Paul Denaliker, ex-Will Osborne pianist, now in at Casa Loma, Franklin Square, L. I., with his five-piece crew.

Ernie De Lange and his orchestra did one-nighter at College Barn,

Massapequa Park, L. I. In that spot regularly is Jimmy Monaco's gang.

Vaughn Monroe band makes Connecticut debut in one-nighter Sunday (20) at Ritz ballroom, Bridgeport.

Bob Chester will be New Haven Arena band Sunday (20). Benny Goodman's new orchestra set for Oct. 27.

Resale and Seville, dancers, still at their Casa Seville, Franklin Square, L. I. Dick Lane's orchestra current.

Ken Casey and his orchestra in at the Turnpike Tavern, Hempstead, N. Y.

Henry Busse's orchestra was renewed for four more weeks at the Casa Manana, Culver City, Calif.

Artie Shaw drew a six-week extension at the Palace, San Francisco.

Benny Strong back in the Tutwiler Hotel Continental Room, Birmingham, heading extensive floor show which features ballroom dancers Charlo and Dupree and the six Lenora Debs.

Gail Reese, formerly vocalist with Glenn Miller, Bunny Berigan and Charlie Barnet, returning to show business after a year's vacation.

Larry Kent engagement at the Empire Room, Hotel Utah, ends Oct. 17. Immediately Skeeter Palmer, accordionist, pianist and singer will open with his orchestra.

Hotel Newhouse, Salt Lake, has Joe Mallory Orchestra four times weekly, dine and dance.

Charlie Barnet cuts short his current two-week stand at the Brunswick hotel, Boston, to go back into the Dancing Campus at the World's Fair, New York, the last week of operation, starting Sunday (20).

Larry Clinton into the Ansley hotel, Atlanta, Ga., for two weeks Nov. 8, the first non-MCA band set there. MCA, however, splits commissions with General Amusement, which handles Clinton.

Manhattan Beach, New York, still operating weekends, though its season normally folds soon after Labor Day. Warm weather held biz up.

Henry Busse held over at Casa Manana, Culver City, Cal., first outfit to stay beyond booked time. Band resigned to Morris agency for another year last week.

Thanks to all those responsible for the success of my song—"WHEN THE SWALLOWS COME BACK TO CAPISTRANO"—who made it possible for me to win the ASCAP award for the outstanding composition of the quarter.

LEON RENE

Writer of
"Sleepy Time
Down South"

"WHEN THE SWALLOWS COME
BACK TO CAPISTRANO"

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Philly AGVA Warns Agents Against Doing Biz With Kelly, Reviving UEA

Philadelphia, Oct. 15. Philly agents were warned last week not to sign any agreements with the faction of members of the American Guild of Variety Artists aligned with Tom Kelly, ousted by the national board in New York last week (7). The warning was sent in a letter following reports that Kelly was seeking to revive the old United Entertainers Assn. as an indie actors union here in competition with AGVA.

Signed by Lee Traver, named Philly executive secretary by Hoyt C. Haddock, national executive secretary, it read in part:

"The National board of the American Guild of Variety Artists has confirmed the discharge of Thomas E. Kelly, former local executive secretary, as being of permanent tenure. Any information you have to the contrary should not be credited.

"We wish to call your specific attention to the fact that AGVA is the only union in Philadelphia, representing variety performers, that is affiliated with the American Federation of Labor and the Central Labor Union.

"Therefore, to avoid unpleasant complications, extreme caution should be exercised that no agreements are signed with any person or persons purporting to represent performers, without having proper up-to-date credentials from AGVA."

The letter further stated that Traver and Jack Miller newly appointed national rep, would call upon each agent in the near future. To this letter was attached a copy of Haddock's official discharge of Kelly.

Efforts to reach Kelly this week failed, but there were evidences of revival of activity around the headquarters of the UEA. Kelly's ouster became final last week after a couple of months of in-again-out-again business that has kept the Philly AGVA local in a dither.

First Kelly was fired last August for alleged incompetence. Then the local held a stormy meeting in which Kelly was endorsed and a demand made that Traver be ousted. Three weeks ago the national board reinstated Kelly on a probationary basis, provided that he promise in writing to conform to the union's constitution and obey the board's instructions.

Kelly, however, notified the board that he couldn't accept the reinstatement until the board had acted on a resolution passed by the Philly membership calling for secession from AGVA "until the union is purged of the Communist element," and that Kelly be reinstated with full back pay. Kelly was then bounced "as of permanent tenure."

'ICECAPADES' IN LAYOFF FOR SOME OVERHAULING

Pittsburgh, Oct. 15. "Icecapades," ice show sponsored by Arena Managers Assn., headed by Johnny Harris here, is laying off for several weeks prior to beginning winter-long tour of the Gardens, local sports arena, week of Nov. 4. Rink revue has been breaking in all summer, first in New Orleans, then Atlantic City and New Orleans again, where it closed turn engagement last week.

Additional tunes and production numbers will be added to the winter circuit, and show will go back into rehearsal end of month. Jerry Mayhall, local musician who is musical conductor for "Icecapades," is home for vacation and will tour again with show, turning down chance to resume his regular berth on Wilken's Amateur Hour with Brian McDonald over station WJAS.

New Martinique Show

Henny Youngman, Betty Keene, Marilyn and Michael open tonight (Wed.) at La Martinique, N. Y., with Yvette holding over as does Val Olan's band.

Carlos Ramirez drops out, but is due to come back to the nitery following his concert tour.

World Series Meant Big Boost to Det. Niteries

Detroit, Oct. 15.

While the recent World Series cut down film attendance heavily, night clubs gained a big boost. Ropes—rarely used here—went up in most of the town's spots.

Flood of celebrities, as well as sports figures, helped swell the attendance, owners of niteries said. Even after the seventh game, with most of Detroit heart-broken because Tigers lost the long series, the clubs still were catching. Plenty drowned their sorrows.

Artists Rep Assn. Turns Down AGVA Classifying Plan

Artists Representatives Assn., organization of 10-percenters, has squelched a plan of the American Guild of Variety Artists to type all agents. A letter from AGVA, signed by Phil Irving, executive secretary of the N. Y. local, told ARA that AGVA intended to classify agents in all the fields, niteries, vaude, etc., and would ARA please notify him how its members wanted to be typed.

Irving was immediately informed that ARA's basic agreement with AGVA covered all of the fields over which the actors' union had jurisdiction, hence typing of agents was out of order. As an afterthought, Irving was notified that ARA's deal with AGVA was a national one and that the agents' group didn't see how a local fitted into the pattern.

No showdown has yet come regarding AGVA's request from ARA that all agents file weekly reports on their bookings of acts. ARA claims this is also out of order and not in line with the basic agreement, but Hoyt Haddock has threatened to revoke the franchise of any agent who fails to live up to the request. Thus far no such reports from agents have been forthcoming, and no franchises have been revoked.

Colonial, Which Paved Vaude's Way Back In Detroit, 'Doing Okay'

Detroit, Oct. 15.

Having launched the comeback of vaudeville in the downtown picture houses here, the Colonial, managed by Ray Schreiber, has returned probably to the policy of steady stage shows through the fall and winter. Detroit's two big picture houses, Michigan and Fox, still are making only occasional excursions into vaudeville, booking names and bands about once a month.

Last, the Colonial, on the downtown fringe, pioneered the way with a good season. This fall, after remodeling and installing new seats, the theatre, operated by Midwest, is underway again with its permanent vaude policy.

Evidence of how the house built up with its policy lies in the opening show. Despite bad weather and the baseball fever, this town with a pennant winner, Phil Reitan, who headlined the show, had business up 25% over his appearance here last year. The house followed with Frank O'Connor, for many years the soloist with the Fox's pit orchestra, cashing in on the extensive local following he had gathered in his years in town.

Leon Rene, writer of "When the Swallows Come Back to Capistrano" and "Sleepy Town Down South," is making his first visit to New York. He's from New Orleans, but has been living in California for the past six years.

Omaha Vaude Clicks

Omaha, Oct. 15.

Tristates management, sold on stage shows since winning weeks of Sammy Kaye, Laurel and Hardy and Blue Barron. Circuit is now angling for more shows.

District manager Evert Cummings is bringing in Major Bowes' sixth annual unit to the Orpheum on Nov. 8, and will follow with Harry James' orch and The Ink-spots. Paramount office in N. Y. does the booking.

2 RKO FILMERS BACK TO VAUDE

Two RKO houses long in straight pix are reopening to vaude. First is the Temple, Rochester, N. Y., which hasn't had a regular vaude policy in 12 years. It tees off Oct. 11 with Blackstone and will get full-week shows about twice a month thereafter.

Second house is the Grand, Albany, which plays Blackstone for a full week beginning Nov. 1, with shows once a month to follow. This house hasn't had vaude in nearly four years.

RKO's Strand, Syracuse, continues its elastic vaude policy. House plays shows anywhere from three days to a full week, depending on what's available. Bill Howard is booking all of the spots out of New York.

CLERGY, JESUIT COLLEGE STYMIE ST. L. BURLEY

St. Louis, Oct. 15.

Heads of two churches and faculty members of a Jesuit college last week stymied the opening of the Shubert-Rialto theatre, in midtown, as a burlesk house under the banner of the Tropical Amus. Co., headed by Sam Reider, vet operator. Compliance with ancient city ordinances will be necessary before the house may start operation.

Heavily ballying "Strip Tease Exposure," the house, dark for several years, was all prettied up for the kickoff when the nix was flashed. Reider, who opened the Grand, a downtown burlesk house for the Wolverine Amus. Co. last year by simply paying the License Collector for an amusement license, couldn't get one last week until he obtained a permit from the Board of Public Service. To obtain that document, Reider learned that he would have to obtain the approval of all property owners on the block on which the theatre is located.

On the basis of Reider's advance ads; faculty members of the St. Louis U. and St. Xavier's Catholic Church, a half-block away, figured that undesirable would be drawn to the neighborhood and they backed to hizzoner Edward F. Dickinson and Prosecuting Attorney James P. Finnegan, who said Reider couldn't operate. A similar bet was registered by Rev. C. Oscar Johnson, pastor of the Third Baptist Church, a block on the other side of the Shubert-Rialto.

Reider contends that his shows will be minus the usual smut associated with burlesk and will feature high-class vaude acts and extravaganza similar to those he produced in the old Gayety theatre here 15 years ago. He said he hired a total of 63 local actor, and toolers, spent several grand readying the house and feels that he hasn't been treated right.

Old Cotton Club, Harlem, Sued on Rental Lease

A suit by the Finndell Amusement & Building Corp. against Herman Stark for \$10,888 was revealed yesterday (Tues.) N. Y. supreme court. Action seeks damages for unpaid rent on premises originally leased to the Cotton Club Catering Corp. and transferred to the defendant.

Plaintiff claims the Cotton Club transferred its lease on property at 142d street and Lenox avenue, 1934 with eight year, of a 10-year lease to run. From 1935 on, parts of the rent have been in arrears, it is claimed.

Defense interposed is a complete denial of all charges.

Major Thompson's Illness Holds Up Signing of AGVA-N.Y. Theatre Pact; Both Sides Okay Final 5-Year Draft

Phil Irving Unanimously Nominated by Chi AGVA

Chicago, Oct. 15.

AGVA meeting here last week attended by 50 members unanimously nominated Jack Irving for presidency. Low King, Bill Baird and Jack Richards were others on the slate for offices.

Eight people striving for vice-presidencies, including Joe Wallace, Roots Bree, Al Thompson, Ed Davis, Leda McCormick and Bernie Green. AGVA staff here has been cut, with one girl dismissed.

Philly College Inn, Stamp's Caught In Wide Vice Raids

Philadelphia, Oct. 15.

Needed by the newspapers and clergy over the alleged vice conditions in the so-called "Barbary Coast" sector, Philly police launched a drive against niteries and honkey-tonks early Sunday morning (13).

There were 12 major raids which netted more than 400 prisoners. Charges ranged from violations of the Sunday ban against liquor sales to operation of disorderly houses.

Two well-known night spots caught in the net were the College Inn, near Temple University, and Stamp's-on-the-Delaware. At the College Inn 100 customers were taken into custody. Also picked were Louis Tomasco, operator, and a couple of bartenders. They were discharged after a hearing before Magistrate Edward F. Roberts.

At Stamp's the coppers ordered 300 customers out of the place. A floor show was in progress as police descended on the spot shortly after midnight—a violation of the city's curfew law. Jacob Stamp, operator of the spot, and five bartenders were held.

The raids were an outgrowth of a crusade started by clergymen headed by Father James Maguire. The newspapers have been chiding the Mayor for the transfer of Captain John Murphy, "honest cop" who'd been harassing politically-powerful gambling dens and hot spots.

Hugo Morris Joins Wm. Morris Agcy.; Het Manheim Added

Long a big-time vaude agent in his own right, Hugo Morris, brother of the late William Morris, Jr., has joined the Morris' office in New York. He'll concentrate on the development of new talent.

There was a time when Hugo Morris and his older brother were estranged, though the reason is not known. Just prior to the almost complete collapse of RKO vaude, Hugo was in partnership with Manny Rose under an RKO booking office franchise. Rose, who previously was partnered with Jack Curtis, is now virtually retired.

Het Manheim is another addition to the Morris office, in the literary department. Joe Magee is now assistant to William Morris, Jr. A recent shift took Henry off European bookings, which have been halted by the war, and put him in the club booking department.

Clark Robinson Doing Fla. Beachcomber Decor

Miami, Oct. 15.

Clark Robinson is here to supervise construction of the Monte Proser-Walter Bachelor Beachcomber Club.

Spot, which was formerly the Roadside Rest, will undergo extensive renovations costing around \$20,000. Scheduled to open Dec. 1 with Xavier Cugat's orch.

Illness of Major Leslie E. Thompson, of RKO, is the only thing that's holding up the signing of a contract between New York theatres and the American Guild of Variety Artists, which would give the latter a 'guild shop' in virtually every variety stage show house in the city. All of the circuits and leading indie vaude ops have agreed to sign the deal at the same time, which means that the signatures won't be affixed till the end of this week, at least.

Pact, however, has been approved in its final draft by both sides. Originally intended to run for three years, it has now been extended to five, with the expiration date Sept. 30, 1945. It recognizes AGVA as the exclusive bargaining agent for all performers in the variety field; AGVA agrees that it is an open union and will admit to membership any artist the employer wishes to employ, except those suspended or expelled from AGVA for cause; on the other hand, the employer agrees not to retain performers who refuse to join AGVA.

Excerpts from Contract

Pact also upholds AGVA's franchising of agents system by prohibiting the employers from engaging artists through a 'third party' who has been declared 'unfair' by AGVA, or 'who is not duly franchised by AGVA.' Other important clauses in the contract follow:

Arbitration: Whenever any dispute shall arise for any cause, reason or matter between the parties hereto and/or any members of AGVA concerning this agreement or the employment of any artist, and/or the rights, obligations or liabilities of any party hereto, such matter (unless disposed of by mutual agreement between the parties hereto) shall be settled, adjudicated and disposed of in the following manner, and under the rules of the American Arbitration Association: Either party may, by notice in writing served on the other party by registered mail at the office of such party, appoint an arbitrator within three days after the mailing of such notice, and each party agrees that upon the receipt of such notice it shall so appoint an arbitrator as aforesaid. The two arbitrators thus appointed shall, within three days after the appointment of the one last appointed, jointly appoint a third arbitrator. The dispute or other matter in controversy shall thereupon be submitted in writing to the said three arbitrators who shall be known as a Board of Arbitration within three days after the appointment of the third arbitrator in such manner as they shall direct, and their decision or the decision of a majority of the said Board rendered in writing shall be final, conclusive and binding upon the parties. If either party shall not appoint its arbitrator or the two arbitrators first appointed shall fail to appoint a third arbitrator, either party may thereupon apply to the American Arbitration Association to appoint an arbitrator or arbitrators as the case may require, as provided by the

(Continued on page 54)

N. O. FRENCH QUARTER COMING BACK TO LIFE

New Orleans, Oct. 15.

Night club row in the French Quarter, showing signs of life again after being dormant for the past summer, Marty Burke and the El Toro, dark for some time, reopened last week. Litter spot changed name to Club Ball after undergoing complete refurbishing. Burke's reopened with revue headed by Sophi Parker, 275-pound blues singer, and with Robby Rich's orch providing dancipation.

Vanity club has also reopened. The Nut Club, at present undergoing complete renovation and expects to open shortly. Four Hundred Club has outgrown present quarters and, too, is adding more space. Building next door has been leased. More conventions than any year in past have been booked for New Orleans this fall and winter, which is giving many operators some hope.

RKO Experimenting With Vaude as Sub For Bank Night in 2 New York Nabes

Throwing bank nights out of the Hamilton and Coliseum, a move that may be made in all other RKO theatres in the Greater New York area, stage shows are being substituted.

Effective Nov. 5, bills of four or five acts go into the Hamilton on Tuesdays and Wednesdays of each week. The same date a similar stage show policy will be instituted at the Coliseum. Both houses are in the Washington Heights section. If the experiment with vaude on the two-day basis is successful, the policy will be installed in other houses which are now using bank nights in some form or another.

Billy Jackson, who has been booking one-day bills on Fridays at the Madison, Brooklyn, for sometime, will supply the talent for the Coliseum and Hamilton. Coliseum was once a big-time, two-a-day Keith-Albee vaude spot. Hamilton also once played vaude importantly, but it was more of a showing house.

SUE ABBOTT, COSTELLO FOR CONEY ISLE SKIT

Los Angeles, Oct. 15. Lou Costello and Bud Abbott yanked the 'Down at Coney Island' skit out of their act at the Orpheum theatre here as the result of an infringement suit filed by Sam and Lulu Rice, who claimed statutory damages of \$100 for the first performance and \$50 for each subsequent one.

Rice claims he obtained a 1916 copyright on the skit, which was later renewed by his wife, now a co-complainant. They assert that he had served notice on Abbott and Costello to cease using it.

Theatre Dates Set

Abbott and Costello, having wound up their Universal film chore, will soon head east for theatre dates.

Comedy team is set to open Nov. 1 at Shea's Buffalo, with the Michigan, Detroit, and State-Lake, Chicago, immediately following in that order. All are Paramount-booked spots.

Their Bristol-Myers summer radio program also terminated. A & C are also shopping around for an after assignment.

AGVA Entertainment-Ball Oct. 28 for Funds Boost

American Guild of Variety Artists will hold its first entertainment-ball Oct. 28 as a way to bolster its finances. It'll be mostly show, with dancing incidental.

There's a large committee handling the entertainment side, headed by Henry Dunn (Cross & S), Henry Youngman and Charles Arno. Admission tap will be \$1.10.

Allergic?

Los Angeles, Oct. 15.

Empty storeroom next door to the downtown Orpheum theatre is being used by an undertaking establishment for a display of coffins.

Comics on the theatre's vaudeville bill have been warned by the house manager not to look at the exhibit lest it affect their routines.

VAUDE OUTLOOK BLEAK IN PITT

Pittsburgh, Oct. 15.

Looks like off and on vaude policy at Stanley, WB deluxer, will be chiefly off this season. Original announcement when house went straight six last spring was that shows would be resumed around Labor Day but since then house has had only one presentation, headed by Mickey Rooney last month, which ran up an all-time high gross. Next show was supposed to be tab version of George White 'Scandals', opening Friday (18), but now that's out, owing to booking mix-up or something of the kind according to word from the front office.

Present outlook is for a continuation of films alone indefinitely. Harry Kalmine, zone manager for WB, was in New York last week trying to line up some name bands and came back with signed contracts for several of 'em, but no dates. They're when-and-if documents, meaning if hotel dates, radio engagements, etc., can be arranged successfully, they'll make Pittsburgh.

In meantime, Max Adkins, director of Stanley orch, is having a tough time keeping his men together for a possible resumption of steady employment. Several of them have already deserted, Charlie Riley going to KDKA and Johnny Marino joining Nixon (legit) house crew, and at least couple more are on verge of making other connections. Just to hold his franchise on a few of his key men, Adkins has installed a small dance outfit at Riviera, suburban roadhouse.

Anyway, closest Pittsburgh will get to stage shows in next month at least comes Saturday (19), when Charles Laughton hits town for one-day personal in connection with his latest picture, 'They Knew What They Wanted'. And he plays not the Stanley but the Penn, which hasn't had a show in years.

Don Pablo has added Anita Allen, Detroit singer, to his band currently at Monaco's Cafe, Cleveland.

New Acts

EDMUND LOWE & ANN DVORAK
Talk, Comedy
12 Mins.; One
State-Lake, Chicago

Lowe has been out on the vaude circuit several times in the past couple of years, but this time comes around with Ann Dvorak as vis-a-vis in a semi-skit which is suitable for any vaude house.

Lowe is on first for a little talk and then comes Miss Dvorak for a laugh-getting routine based on the male-and-female twist on how to treat the opposite sex. First Lowe explains the various techniques of handling a woman, and Miss Dvorak replies with how to get along with a man. Some business of hand-holding and by-play on a couch, all of which is interesting and amusing stuff for the average audience and worked neatly by this film twosome.

Gold.

CAROLE LANDIS
Singing
8 Mins.; One
State-Lake, Chicago

The spirit is strong, but the tonils are weak. That's about the story of the Carole Landis personal. She's from pictures.

No question about her visual appeal. On that basis alone much is forgiven by any audience, but the singing takes plenty of face, figure and gown to overcome.

Miss Landis sings popular tunes, three of them when caught, and she managed to sing, but these youngsters have developed their terms to a high art. Widely heralded by showmen visiting South America and Mexico City, where they've danced, this is their U. S. debut, and in an ultra spot like the Waldorf-Astoria's Sert Room, with Eddy Duchin's crack music for backer-upping, the team is being showcased under most favorable conditions.

Better known in the Latin countries as Los Chavillos Sevillanos (literally 'the little kids from Seville'), the new billing is a smart idea for singity singity.

They do three numbers, opening with a more or less conventional pasodoble, thence into a socko gypsy routine, he sings, and she does a snatch of song. Third is an intricate castenet sequence, wherein the suppleness of their bodies and rhythmic staccato of their heel-and-toe work tango a highly effective precision result.

Already the pair are becoming something for town's professional dancers to fear, and once the public gets the general idea, they'll be more than just another Spanish rhythm team.

The Sert, besides Duchin's expert rhytmators, has super supplement in Carol Bruce, doubling from 'Louisiana Purchase' and Ben Bernie's radio program. She still sings a nice pop song, her repertoire including 'That's for Me', 'Just One of Those Things', 'A Boy, a Girl and a Lamplight', 'Easy to Love', 'You're the Tops' and 'Louisiana Purchase'. Across-the-board empire room at the Waldorf brings in Kay Kyser next week under an informal policy.

Abel.

BOB HOPE QUARTET
Songs
10 Mins.
Apollo, N. Y.

This swing singing quartet rates considerably above average and should have no trouble making the grade in picture house, vaudeville or nighteries. Billing, however, may be controversial.

Group consists of three women and a man (Hope). Opening with an arrangement of southland numbers, foursome follows with a swing tune and closes with 'Chloe'. Voices are good. Having ingratiating personalities, the singers make an effective appearance.

Char.

Eileen O'Connor Loses Vs. Mario (& Floria)

Eileen O'Connor, dancer, lost her application for an injunction to prevent her erstwhile partner, Mario Artames, from appearing under their trade name at Loew's State, N. Y., with another dancer, when, on a Wed. (9), N. Y. supreme court Justice Julius Miller ruled the partnership had been terminated.

Miss O'Connor had been half of the team of Mario and Floria, and had claimed that Mario Artames had breached their agreement by taking an engagement with another dancer, using their combined stage name. The court found that Miss O'Connor had asked for a termination of the agreement months ago, notifying the agent, Phil Bloom (MCA) to that effect, and that Artames had mailed her a formal release on Sept. 23.

AGVA-Theatre Pact

Continued from page 54

rules of the Arbitration Committee of the American Arbitration Association. The parties agree that pending the award of the arbitrators, there shall be no strikes, lock-outs or picketing concerning any matter or controversy or grievance.

Booking Fee: Where a theatre owner or its booking office affiliate at the date hereof charges a booking office fee, such theatre owner or its booking office affiliate only may charge a booking fee not exceeding a maximum total of 5%, but in no case shall the fee so charged reduce the salary of any artist below the minimum salaries provided herein.

Number of Performances: The employer agrees that no artist shall be required to give more than 30 shows per week in small neighborhood theatres. In key theatres, such as the State, Roxy, Paramount, Strand, Metropolitan, Paradise and Valencia, the theatre owners shall have the right to require the artist to perform more than 30 shows per week, but not more than 36 shows per week. It is understood, however, that in no event shall the salary of any artist who performs over 30 and up to and including 36 shows a week be less than the minimum salaries provided herein, plus pro-rata of such minimums, for each such additional show over 30.

With respect to individual artists receiving a salary of not more than \$1,000 per week, or acts containing more than one artist receiving compensation aggregating not more than \$1,000 per week for one performer, plus not more than \$500 per week for each additional performer in such act, such artist or act shall, if more than 36 shows per week are performed, receive additional pro-rata compensation, based upon their agreed upon salaries for each show above 36. Nothing herein contained shall be deemed to prevent an artist from making an agreement directly with a theatre owner for a weekly total of less than 30 shows. It is agreed, however, that the present policy with respect to the number of shows shall be maintained.

Wardrobe: The employer shall not be required to furnish any acts with such wardrobe, material or orchestration as such acts customarily use; but if the employer makes a special request, he must furnish the wardrobe, material and orchestration needed to complete such special request. With regard to the members of the chorus, the employer shall furnish every chorus member, without charge, with all hats, costumes, wigs, shoes, tights, stockings, props and all other necessary stage wardrobe.

Minimum Compensation

a. The weekly minimum salaries payable to the artists shall be as follows:

Principals and specialty artists—\$50 net per person per week.

Assistants to principals and vocalists with bands—\$50 net per person per week.

Supernumeraries—\$30 net per person per week.

Chorus artists—\$37.50 net per person per week for the period of one year from the date of the signing of this contract; \$40 net per person per week thereafter and during the balance of the term of this contract.

b. Minimum compensation per day when show does not run for a minimum of seven days shall be as follows:

Principals and specialty artists—\$10 net per person per day.

Assistants to principals and vocalists with bands—\$8.50 net per person per day.

Chorus artists—\$7.50 net per person per day.

Supernumeraries—\$5 net per person per day.

The minimum compensation for all artists engaged for a single performance on any day shall be as follows:

\$7.50 net per person per performance for a single act.

\$5 net per person per performance where there is more than one person in the act.

d. The minimum salary for engagements of less than one week covers not more than three performances daily, and not more than four performances on Saturdays, Sundays and holidays. For each performance on each day in excess thereof, the performer shall be paid pro-rata of his daily compensation.

If the chorus artists are required to do so specially, then the employer agrees to pay such chorus artists for so performing a minimum

of \$5 per week in addition to the regular contract salary of such chorus artists.

f. The above minimum salaries may be modified for certain type of group acts consisting of four or more people, upon the written consent of AGVA, upon application by said acts to AGVA for a waiver.

g. All salaries shall be payable by the employer by cash or check not later than the last day of each week. The actual net compensation paid by the employer to the artist shall be as stated in the individual contract of employment of the artist, and there shall be no remissions, rebates, 'kick-back', or other payment or deduction whatsoever from the agreed upon compensation, except such taxes or withholdings as are provided by statute, and as may be requested by the artist in writing.

h. Where the payment by the artist of his transportation to appear for any engagement would reduce his salary below the minimum salaries provided herein, the employer agrees to add the difference to such salaries so that the net amount received by the artist shall not be below the minimum provided herein. Such transportation means from the regular place of performance in New York City to and from a place outside of New York City.

Rehearsals

No artist may be required to rehearse more than 10 hours in any one week, nor more than three hours in any one day in which the artist is also actively engaged in performance.

b. No rehearsal shall be called after the final performance on any day or prior to the expiration of a consecutive nine-hour period from the time the artist is dismissed the previous day.

c. The three-hour rehearsal time provided above shall begin promptly and be consecutive and shall be computed from the time the artist is required to report until the artist is dismissed from such rehearsal.

d. No rehearsals shall be called or held on two days of the week, and one of those days shall be Sunday.

e. Where any artist is required to rehearse or report for rehearsals any time in addition to the time provided herein, such time shall be considered overtime and shall be paid for at the rate of \$1 per hour or fraction thereof.

f. If more than 30 minutes elapse from the time set for rehearsals to the time rehearsals actually begin, or if more than 30 minutes' recess is called during rehearsals, all time over such 30-minute allowance shall be considered overtime (irrespective of the three-hour limitation provided above) and shall be paid for at the rate of \$1 per hour or fraction thereof, except where the employer is not at fault.

Time Off for Chorus: Each chorus artist shall be entitled to and shall receive one full week's layoff, with pay out of each seven weeks' employment; provided, however, that if a chorus artist receives less than six weeks' employment, the chorus artist shall be paid on a pro-rata basis, based on seven days' pay for six days' work; provided, further, that when the chorus artist is given one full week's layoff with pay after six consecutive weeks of employment the chorus artist shall rehearse not more than 12 hours during the week of layoff, and shall not rehearse at all during the week prior to such layoff. A chorus artist shall have the right to have his weeks of layoff accumulate to two weeks, instead of one, if mutually agreeable.

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Equity Sees Army Camp Shows Easing Unemployment; Sets Contact in D. C.

Equity has taken the lead in considering entertainment in camps being readied for the 1,000,000 men who will be given military training for a year under the nation's defense and preparedness program. A Washington contact has been appointed and Equity anticipates that, since the men conscripted will be afforded camp entertainment as during the World War, the unemployment situation among actors should be considerably bettered.

As a permanent head of the draft was not named until last week, the matter of camp entertainment has not arisen. Registration for the draft occurs today (16) throughout the country, but many national guard regiments are already under training. Indicated that entertainment units, if that form of entertainment is decided on, may not eventuate until the first of the year, but preparations for their organization could start at any time.

From the Equity standpoint, show units are not the only employment for actors not within the draft age. During the World War, a number of legit actors were engaged as directors of shows in which the soldiers performed. As the camps will be widely scattered, it is assumed that similar entertainment setups will be revived. Directors' jobs then called for pay of \$200 monthly.

During the early period of WPA's relief theatre, vaudeville units toured the Civilian Conservation Camps, mostly transported in army trucks. That system proved a headache and was dropped, camps thereafter using directors to arrange shows participated in by the men.

Maida Reade, who heads Equity's unemployment committee, was named to represent the association at the Capital.

1st Touring Project Out Of N. Y. Tees Off Nov. 13; Revue Gets 14 Wks.

National Playgoers Guild, first of several touring projects planned this season, is dated to start Nov. 13, when "Mornings at Seven" opens at Springfield, Mass. "Seven," substituted for "Outward Bound," may have a preliminary week at Maplewood, N. J., it having been booked for nine and one-half weeks otherwise. "Missouri Legend" will be the second show to be readied by the outfit, also booked for nine and a half weeks. "Step This Way," an original revue first called "Words and Music," has been booked for 14 weeks, and "The Second Man," which completes the schedule, has eight weeks booked.

Guild outfits has been in the making for six months, with Hal Oliver in charge of bookings. Early this week, however, he resigned. George Sommes is in charge of production. Although he was supposed to back the venture, it is stated that a shoe manufacturer and an attorney provided the financing. Halsey Raines, of Metro's New York office, secured the backers.

'GEO. WASH.' PRESENTS NEW 'ACT OF GOD' CASE

Difference of opinion has arisen between Sam H. Harris, producer of "George Washington Slept Here," and Equity over salary responsibility to the cast because of the delayed opening at the Lyceum, N. Y., occasioned by the sudden death last week of Bertton Churchill, a featured player. Show will open Friday (18), but full salaries are payable, according to Equity's idea. Harris is expected to put the issue to arbitration.

Legal department of Equity says that Churchill's death was not an "Act of God," Harris contending to the contrary. Play was first postponed because Ernest Truex hurt his knee during a performance in Boston. According to Equity, full salaries applied to the cast starting last Friday (11), at which time all the rehearsal time had been used up. Explained that had there been no rehearsals, the usual \$5 per day for those getting less than \$100 would have applied, while liability to the leads would only be pay for rehearsals.

Talk Eva LeGallienne Tour in 'Craig's Wife'

Eva LeGallienne may tour in "Craig's Wife" this season, under the management of Rowland Stebbins. George Kelly play, which was a Pulitzer prize winner some seasons back, was on the road for a time, but did not show outside of key stands. Idea of sending "Wife" out again came from the author, who contacted the star. Letter has not signified her acceptance.

Expected that guarantees could be secured for LeGallienne dates in the smaller stands, as last season. At that time she toured in Ibsen dramas under the management of the Legitimate Theatre Corp., which is no longer operating. Miss LeGallienne made the longest tour of the four LTC attractions.

LEAGUE OKAYS NEW EQUITY DEAL

League of New York Theatres, at its annual meeting Monday (14) ratified the extended basic agreement with Equity, with certain additions, and elected officers. Pact with Equity provides for Sunday performances without extra pay if the union's referendum okays the proposal. It also calls for raising of minimum salaries from \$40 to \$50 weekly starting Dec. 1, and the continuance of the ticket code.

Same officers were re-elected: Marcus Heiman, president; Lee Shubert and Brock Pemberton, vice-presidents; Gilbert Miller, treasurer; and Herman Shumlin, secretary. James F. Reilly continues as executive secretary.

Dante Declares P. A. Washburn in for 50%; May Move, Cut Scale

Unique deal has been entered into between Harry A. Jansen, the magician with three names, and Charles Washburn, his press agent. Washburn has been declared in for 50% of the profits and don't see how he can lose. Jansen is better known as Dante, particularly on the other side. His show, spotted at the Morosco, is billed "Sim Bala Bim" and he's called that, too. Press agent is responsible for half the losses.

Although accorded a good press, business had been rather light, average takings being around \$8,000 weekly. At that figure the attraction would ordinarily make a profit, but the magi saddled himself with uncalled for expenses, including an orchestra of 11 pieces.

Jansen proposes to discern whether a performance consisting only of magic will be supported over here. He may tarry for a time, moving to another theatre, as the Morosco will get "Susanna and The Elders" after another week. Mansfield and Majestic are mentioned for Jansen and, if the latter house is booked, the scale will be dropped from \$2.75 to \$1.65. Majestic is also named as the berth of "Quiet Please," being presented at the Biltmore, Los Angeles, by Jesse Lasky and Henry Duff.

Central and South American dates have been offered Dante through the William Morris agency with a guarantee of \$7,000 weekly. Road dates may be played prior to such appearances.

Dust Off Those Seats

Los Angeles, Oct. 15. Mason Opera House, one of the town's oldest, has been leased by David Sturgis for a winter season of musical shows.

Begins with "Laugh It Off," to be staged by Theodore Bacheneimer.

'Here Today' Revival, With Ruth Gordon Prod.-Star

"Here Today," comedy by George Oppenheimer, will be revived in Boston, starting Oct. 28. Ruth Gordon, who starred in the original on Broadway, will again take the lead and will also be co-producer with Lee Shubert. Reception in Boston will determine whether show comes into New York or tours.

Sam H. Harris presented "Here Today" originally at the Ethel Barrymore theatre, N. Y., starting Sept. 6, 1932.

Tix Buying Rush Hints 'Happens' May Be B.O. Click

Although most of New York's critics were hazy as to the chances of popular appeal of "It Happens on Ice," rink spectacle which opened at the Center, Radio City, Thursday (16), the steel-runner novelty was heavily supported Saturday (12). That "Ice" will draw audiences, adult and juvenile, of the type that formerly patronized the Hippodrome, was quickly indicated.

There was a rush of patronage Saturday, third day of the show. During the afternoon the ticket sale was continuous and the night house was capacity, with a number of standees in. First four performances, the gross approximated \$20,000. In eight performances the show can get around \$55,000 at \$2.75 top, there being nearly 3,100 seats.

"Ice" is presented by Sonart Productions—Sonja Henie and Arthur Wirtz. Star is not in the show and is due to head an opposition skating attraction when she plays a week at Madison Square Garden starting Jan. 20. Henie outfit will originate on the Coast, as formerly, and is booked for 12 weeks, initial stand being Houston, Texas, Nov. 21. William H. Burke, executive producer and v.p. of Sonart, who supervised "Ice," started for Hollywood early this week to get the Henie outfit readied. No special changes in the show, but new costumes will be designed in the east by Raoul Pene du Bois of the Brooks Costume studio.

Current week on Broadway brings in two revivals, "Blind Alley" at Windsor (17), and "Charley's Aunt, Cort (17). Friday (18) "George Washington Slept Here," twice postponed, premieres at the Lyceum. Only definite debut next week is "Cabin In The Sky," a colored cast fantasy at the Martin Beck, with "Tis of Thee" also due at the Elliott.

"Boys' Daughter," which opened at the Booth, Friday (11), was given the pitch "Saturday," "Time Of Your Life" due to tour from the Guild at end of the week.

Schmidlapp, Freedley, Krakeur In New Legit Production Venture

W. Horance Schmidlapp of Cincinnati, who took over Ruth Selwyn Shubert's ill-fated "Walk With Music" revue, which was his first Broadway legit venture, is going into it more and more seriously. As the FSK Corp., Schmidlapp has formed a partnership with Vinton Freedley and Dick Krakeur, latter resigning as legit career with the Louis Schurr agency to go into production.

Schmidlapp and Freedley have each reportedly put \$50,000 into the pot, and a \$200,000 b. r. said to be available for legit productions, as and when. Already Freedley and Al Lewis are associated in the forthcoming "Cabin In The Sky," new Ethel Waters colored musical due into the Martin Beck theatre (N. Y.) next Monday (21). Gilbert Miller, Sam Harris and Beck are also said to be in on the show.

Krakeur's past with the Schurr agency will not be filled immediately, as Louis and Lester Schurr will absorb these duties, former remaining east until the end of the year, while Al Melnick is running the Coast office for Schurr. VSK Corp. has a new Molnar play as its next potential. Schmidlapp is also interested in the Copley, Boston, tryout venture. "Boys' Daughter," which flopped Saturday (12) at the Booth, N. Y., after two days, was the first N. Y. entry from the Boston mill.

Brokers' Counsel Attacks Atkinson's Central Ticket Office Idea; Claims Legit Ills Due to Bad Plays, Critics

Ezra Stone Pulling An Orson Welles' Act

Setup has been completed by Ezra Stone to make his debut as a Broadway producer around Jan. 1. Play will be "Your Loving Son," by Abby Merchant, which Stone tried out at Cambridge, Mass., during the summer.

It will be something of a one-man performance, because, in addition to being producer (perhaps not nominally), he'll play the lead and stage the show. It will be considerably revised from the Cambridge version.

N. Y. PRODUCERS PASSING UP PHILLY

Philadelphia, Oct. 15. Philly is still getting the brushoff from New York producers and legit critics on the dailies are starting to burn. Despite healthy grosses for big-time productions that have played the local boards, musicals and dramas are giving this town the go-bye, detouring right by the nation's third largest city in their route from the hinterlands to Broadway.

So far this season, Philly legit customers have been fed on a starvation diet. Three musicals and a turn engagement of a comedy-drama—all told six weeks' booking. Al Jolson's "Hold On to Your Hats" teed off to socko grosses; Philadelphia Story" hung up a new b. record; "Boys and Girls Together," did healthy biz, but shortchanged Philly by one week, and "Pins and Needles" had a profitable stay.

At present the only house open is the Forrest, where "Second Helping" opened Saturday (12) after being dark since Ed Wynn's show left. The Erlanger hasn't opened its doors yet this season, and the only booking on the horizon so far is the Mask and Wig show of the U. of Pennsylvania.

What ignited the newspaper campaign against the N. Y. impresarios was the sudden cancellation of the booking of "Panama Hattie." Originally set to come here, the play lengthened its stay in Boston from two to three weeks and will go direct to New York. Other plays that skipped Philly to the chagrin of theatre-goers here are "White Haired Boy" and "George Washington Slept Here."

Claim de Sylva's Squawk Vs. Carol Bruce Has Angle

Squawk registered by Buddy de Sylva last week with Equity over Carol Bruce's appearance on Ben Bernie's air show at the Waldorf-Astoria, N. Y., roof nitery, is claimed to be a bargaining wedge by the producer to obtain an extension of the femme warbler's pact.

Miss Bruce's contract in de Sylva's "Louisiana Purchase" expires June 1. Producer apparently expects the musical to run beyond that, and is seeking to extend her contract at least seventh months, until Jan. 1, 1942, or, preferably, run-of-the-show. She objects because she has a picture commitment at Universal to begin 10 days after she leaves "Purchase." Feud between Miss Bruce's manager, Martin Spector, and de Sylva is expected to go to arbitration. In a reply filed with Equity, it was admitted that in the instances of the radio commercial and Waldorf de Sylva's permission wasn't asked, as Equity rules require, but it was pointed out that de Sylva had repeatedly granted his okay in the past for similar engagements before the question of the pact extension came up.

Asserting that the case of the ticket brokers would go to trial following the denial of an injunction against city authorities "to restrain them from enforcing the N. Y. state Mitchell law, limiting all tickets to 75c premium, William A. Hyman, attorney for the agencies, struck back at Brooks Atkinson, N. Y. Times critic, who in a recent article advocated a central ticket office which would eliminate the brokers.

Counsel charges that there is an attempt to create a monopoly in the ticket field, and we all know how much more dangerous monopoly is than a handful of brokers who are legitimate business people employing many and paying taxes to the city, state and nation, and who render useful services to those who are willing to pay for them in the American way.

He contends that bad plays are the cause of the decline in the theatre, for which the brokers cannot be blamed, and he thinks the critics are at fault more than the agency people. If Mr. Atkinson would be fair, he would admit that bad plays are the real cause for the poor quality of entertainment in the theatre. Most of the producers believe that a very substantial contribution to the drop in theatre attendance is due to unfavorable criticism of plays by critics, of which Mr. Atkinson contributes at least his fair share.

Hyman declares that the real reason the Mitchell bill was jammed through the legislature was to open the way for a monopolistic central office and, in so doing, compel independent theatres to come under the control of "certain theatrical interests," which theory has been expressed in ticket sales for some time. In this affidavit to the court when the restraint proceedings was held, Atkinson is quoted as saying: "This decline is partly due to the depression, and partly to the rising

(Continued on page 58)

'JUBILEE' TOUR IS OFF AGAIN

Plan to tour "American Jubilee," a major N. Y. World's Fair show, has been abandoned to the disappointment of some 350 persons who had been told a season's work was in sight. Any number of contracts had been entered into and the performance had been extended to two hours by Oscar Hammerstein and Arthur Schwartz, the authors.

Reason for calling off the tour was the difficulty in securing consecutive bookings. "Giant" historic spectacle was to have shown in arenas, a number of which in the middle west have ice rinks. It developed that hockey schedules would mean layoffs, though full salaries would have been payable despite missed performances. Costly jumps required were also considered and it was decided the venture was impractical.

Albert Johnson, who devised "Jubilee," had planned a method for its indoor presentation. Reported that Arthur Wirtz proposes to take over the spec for the road, but no deal has been made with Johnson, who has the contract with a Fair corporation for the rights. Arthur Klein placed the proposition before Wirtz.

Beckhard Skeds 2

Arthur Beckhard has two plays for Broadway presentation within the next month. They are "Easy Does It" by George Frank and Roland Kibbee, and "Back to Eden," by William Bowers. Former, recently tried out at San Diego and Los Angeles, is tentatively slated to go into short adored rehearsals in the east in about a week and open at an unselected New York theatre Oct. 29. "Eden" tested in Los Angeles last summer, will be partly recast and is slated to go into rehearsal in N. Y. early in November for a Broadway opening about Thanksgiving.

Plays Out of Town

Continued from page 56

Return Engagement

Johannes Larsen's solo playhouse set adds much to this atmosphere.

A seasoned, cynical trouper (Audrey Christie) has fun nipping at the bossy angel (Leona Powers), who spars with Elizabeth Emerson for the attentions of the great lover. Autumn Heatherington (Essex Dano) as resident director, soothing the mishap to minor crisis, soothing the patroness who wants her daughter (Caryl Smith) importantly cast and appearing the guest director (Hugh Cameron) and the gal (Augusta Dabney), who deserves the role. The young author (Thomas Cole) sees that the right girl gets the part and he gets the girl.

Miss Christie achieves more in her role than does Lytell, but all the principals give the impression that they will turn out smoother performances before the fortnight try-out ends. It is a comedy that might tempt film producers, but still needs revision.

Unfaithfully Yours

(DU BARRY)

Detroit, Oct. 12.

Operetta revival in two acts, 23 scenes. Presented by the Messrs. Shubert. Adaptation by Rowland Leigh and Desmond Carter. Music by J. J. Miller. Additional lyrics by Irving Actman. Lyrics by Rowland Leigh. Staged under the direction of J. J. Miller. Book directed by Philip Van Dyke. Settings by Carl Barratt. Ballet and dances staged by Herbert Berghof. Orchestra under direction of Piero De Rudder. The Union, Oct. 12.

Margot.....Doris Patston
Madame Labille.....Marie Vincent
Gwen May.....Barbara Perry
Marquise De La Marche.....Joak Shodan
Comte DuBarry.....Richard Robert
Fanny.....Nancy McCord
Rene Lavalley.....Robert Berry
Hubert Orenais.....Michael Bartlett
Le Jeune Moreau.....Michael Davis
Landlady.....Betty Davis
Comte Bouleau.....Truman Galt
Princess De Soubise.....Fred Sherman
Baron Chamard.....Robert Berry
Therese.....Evelyn Day
Dilide.....Dorothy McLaughlin
Madame Sauter.....Nina Varela
Sophie.....Mary Snowden
Duc De Choiseul.....Harry K. Morton
Marche De Luxemburg.....Zella Russell
Comte Edmond.....John Clark
Louis XV.....Leonard Cecile

In 'Unfaithfully Yours,' which Broadway saw in 1933 as 'DuBarry,' the Messrs. Shubert have more than an adequate road blazer for the shows which will follow it out of this new production center. It's lavishly dressed, tuneful and well sung, and risqué.

When the word gets around on the hot bandy house (aria Louis XV) in this operetta, it should bring out more than the lovers of music, which won't do any harm to the proposed season of 30 weeks for the musical shows here and on the midwestern road tour. A story about a transient courtesan, some salty dialogue, as well as the customary visual and oral appeal, should serve to whip up interest in the other offerings to come along every two weeks.

With Doris Patston, Jack Sheehan, Nancy McCord and Michael Bartlett in the key and comedy roles, music that veers often toward the sprightly—'I Give My Heart' and 'Sing for the Customers'—and customing and

sets as lavish as the court background requires, the operetta won't do a dozen curtain calls at the opening. Numbers in the show balance up nicely with both Miss McCord and Bartlett getting ample solo and duet opportunities, and Miss Patston and Sheehan bristling in the lighter vehicle. New ballet music has been introduced in the score by Irving Actman. Dances have verve with one-a-palmy number with the chorines simulating horse drills—especially clicking. With a cast o.k. all down the line—Richard Robert as DuBarry, and Leonard Cecile as Louis XV, particularly apt—it is an auspicious start for a winter season of operetta revivals.

Company leaves here Oct. 27 to open in the Harris Chicago, next stop on the circuit. Bartlett will be brought back from the road company for the fourth show to create his original role in 'Three Waltzes' with Kitt Carlisle. The second show now being staged up—'Cook, Tailor, 5 to 7,' is a Franz Lehár operetta done in Vienna in 1918, but lost sight of by American producers because of the first World War.

Pool.

Reunion in New York

Brooklyn, Oct. 15.

'Viennese Theatre Group' in a revue in two acts. Sketches and lyrics by Lohmar Metzl and Walter and Werner Michel. Directed by Herbert Berghof and Ezra Stone. At the Union, Brooklyn, Oct. 15, 40, \$10 top.

Act: Hans Herberich, Herbert Berghof, Walter and Werner Michel, Fred Lorenz, Lottie Goslar.

Viennese troupers who played Broadway last two seasons came across the bridge for the first time with their bright, briskly produced revue smacking of old world flavor. Brighton theatre audiences are a natural for such performers and, judging by opening night attendance, they'll do thriving biz.

Revue combines the best of their two Broadway productions, 'From Vienna' and 'Reunion in New York' and three new items—the rendition of a poem by a colleague of the actors who did in a concentration camp, the singing of a tune, 'It Is Not True the Danube Is Blue,' and Hans Herberich, who climbs out of the pit to play 'Who's Afraid of the Big Bad Wolf,' as Bach, Mozart, Wagner and Bizet might have done it. He plays deftly and scores.

Herbert Berghof, as m.c., is grateful to his competent troupe of gossamers of the evening are Walter Martin and Katherine Mattern (she's a magnificent performer) in the 'Keep Laughing' routine, in which Martin, as a dignified lecturer, explains different types of laughs, using Miss Mattern as an exhibit.

Fred Lorenz clicks with his take-off on an apothecary preparing pills and as an immigrant with 'English in Six Lessons.' Lottie Goslar does grotesque dancing and is best remembered for her 'Street Walker' interpretation. Finale has performers singing songs they once did in Vienna.

Group stays here this week and may possibly play another downtown local theatre next week.

Ransom.

Odorated Pix

Continued from page 1

auditorium was filled with 37 distinctly different smells.

What's much more important, Laube says, the auditorium was completely cleared of each fragrance immediately after it first appears. This job of eliminating a smell was the toughest part of the invention, he said.

As pronto as switching a light on and off, or slipping the red or blue or green filter over the gallery spots, smells were discernible and then disappeared. No after-smell remained to dilute the succeeding odor, or satiate the nostrils, or be disagreeable.

The invention is based on a brand new electro-chemical theory, and the odors are emitted as electro-waves of some kind, whether ultraviolet or infra-red or something else is one of the secrets of the inventor. Laube explained that the most popular misconception about his discovery is that it is like a giant perfume atomizer, spraying fragrant vapors through the theatre. It is nothing of the sort, he says. Electric rays that affect the nostrils exactly as small particles of perfume do, are the smell-carrying agent.

Accidental Invention
The invention is the result of a laboratory accident one day in 1933. Laube says. He was working on something unrelated to films or smells in his Berne, Switzerland lab. When he stumbled on this secret. Until he gets his patents, he is reluctant to tell more of the discovery or describe the workings of his apparatus.

Barth, his associate, had been di-

Shows in Rehearsal

'White Haired Boy'—George Abbott.

'Night of Love'—Shubert.

'Conquest'—April—Louise Carpenter, Adelaide Finch.

'Elmer the Great' (revival)—Aldrich and Myers.

'Tis of Thee'—Shubert.

'Cabin in the Sky'—Al Lewis, Vinton Freedley, Martin Beck.

rector-distributor-theatre manager and various other things in show business. In Switzerland, Germany and France for a dozen years, but dropped that work to join Laube in perfecting OTP to the point where it is commercially adaptable.

Supervised by the Swiss consulate, the premiere took place in a little theatre (150 seats), and apologies were given for the smallness of the house and also for the poor picture. 'The story is not so good, and you must remember it was made when Switzerland was mobilizing and the acting talent available was not the best. The story was written around the idea of getting a wide variety of odors in the picture and all in the picture was made purely for demonstration,' said a consular attaché.

In the demonstration film, titled 'My Dream' because that is the name of the leading gal's perfume that bewitches Our Hero, the romantic figures first meet in a garden where the girl is entranced by gorgeous lilac bush. The theatre instantaneously filled with the fragrance of lilacs.

Later on the hero atomizes eau de cologne all over his apartment be-

By-Products

Sidelines of the 'smellies' are already under consideration, though the new projection idea has not yet achieved recognition.

Perfume manufacturers are anxious to have Greta Garbo's perfume wafted to coast-to-coast audiences in film houses. They predict bargain counter mob scenes the day after Garbo's fragrance hits. Their reasoning is that girls and women will say to themselves, 'With that stuff Garbo does it—so can I.'

Madison Square Garden could be performed after the circus or after the rodeo, say the inventors of the 'smellies.'

Department stores could stage 'Lilac Day' or fix tieups with a new fashion-color, or novel leather accessories by choosing the correct electrical rays to 'odorate' the nostrils. Possibilities for entertainment or commercial uses are absolutely limitless,' say the inventors.

cause he expects a call from the girl. While he awaits the rendezvous, the audience inhales eau de cologne, but there are two interruptions in sight and sound. The man's buddy drops in and while making himself at home munches on a peach from the fruit bowl, and then a banana.

In each case the fruit odor appeared, then disappeared, to be followed by eau de cologne. Action on the screen was practically momentary, but the smells were perfectly synchronized, and there was no after-smell and no delay which would have made the audience smell the peach while looking at banana.

All through the film smells burst forth and vanished. There were narcissus, red roses, milady's 'My Dream' on milady's kerchief and all about her, the scent of fir trees on a ride through a forest, the fragrance of a hayfield, the tar smell from a highway-construction scene, lemon squeezer for drinks gave off their smell, and even the faint odor of wood-shavings during a scene in a carpenter shop.

New fragrant films will be generally dubbed 'smellies' and while they prefer the more dignified Odorated Talking Pictures, they don't feel up to about it. After they had named the invention 'Durtfilm' in Germany, 'Filmodorant' in France, and 'Filmodorant' in Italy (where was balked promotion), they conferred with English and American friends and visiting American professors. That's when they discovered that the word 'odor' is in bad odor here in the United States. 'It means something unpleasant,' Laube said he learned. With the trade name OTP, and the supply word 'Odorated,' they think they've done their part to choose names wisely, and anyway, a rose by any other name...

Inside Stuff—Legit

'Boyd's Daughter,' first of the tryouts at the Copley, Boston, did a quick fold Saturday (12) at the Booth, N. Y., stopping after three performances. It was called 'Boyd's Show,' originally, being a midline comedy by St. John Ervine, English author and essayist, who gave a much better account of himself previously. Ervine was a New York reviewer on the defunct Morning World, because of which the critics could have chided him for 'Boyd's,' but while the reviews were thumbs down, with one exception they refrained from personalities. Walter Winchell (Mirror), could not resist, however, saying the play:

'Is as windy and over-written as his dramatic notices when he was guest critic for the N. Y. World before it died of the colic. He used two full columns to say nothing about a new show every morning.'

The Copley tryout enterprise appears to be chiefly financed by W. Horace Schmidlapp, young Cincinnati socialite who entered show business last season with 'Walk With Music,' known on the road as 'Three After Three.' Schmidlapp, along with a youth from Pittsburgh, took it on the chin with that musical, which played the Barrymore, for about \$48,000. Understood they became interested in show business through Ruth Selwyn, billed as the presenter. She stepped out and so did the Shuberts after they went into the red for \$40,000 as their share.

Jos. W. Gaites is teaming with Schmidlapp in the Copley venture and the Shuberts are also in. Second tryout in the Hub house is 'Return Engagement,' current there.

'Ladies in Retirement,' which the Theatre Guild took over from Gilbert Miller, fared much better at the boxoffice in Chicago than reported. First week at the Harris the English melodrama grossed \$10,500, though it was estimated \$2,000 less. After good notices there was a weak second night, attendance thereafter climbing. Second week's takings approximated \$13,500, considered excellent in view of the play's subscription basis. Show was limited to a two-week date, for which the Loop's critics panned the management. 'Ladies' stopped Saturday (12) and jumped to Pittsburgh, where subscription tickets were out, making it impractical to extend the Chicago engagement. Show, however, is penciled in for a return date at Christmas time.

'Ladies' enjoyed a profitable run at the Miller, N. Y., last season and a long tour was booked. Road dates started in Los Angeles, but attendance was disappointing and the producer announced its closing. Guild thereupon took over the import to help fill out the schedule of its out-of-town subscription guarantees.

Staff for 'It Happens on Ice,' Center, N. Y., is unusually listed in the program. List is topped by the name of the press agent, Richard Maney, with no mention of the company manager, Chub Munster having that job technically. Name of William H. Burke, general manager, is carried in the program as the executive director, but he has gone to the Coast and Arthur Wirtz, who with Sonja Henie produced the ice revue, is actively handling the show.

Staff for the Center is topped by G. S. Eysell, as assistant managing director. R. V. Downing is treasurer, but the boxoffice treasurer is Paul Dauer. Glen Allvine is press representative, it being the first time for theatre and attraction having separate publicity departments.

Jane Broder, legit casting agent, is not interested in theatre party activity as had been reported. She explains that she has given temporary office quarters to Dorothy Wolf, who specializes in that form of ticket selling.

Miss Wolf was in charge of theatre parties for the Leblang agency, but recently withdrew after being employed there for a number of years.

Charles Burke, general representative for Fortune Gallo and the San Carlo Opera Co., was recently married to a non-pro out of town. His troubles started immediately, being forced horizontal by an acute attack of shingles. Partially recovered, he returned to New York Monday (14).

Ticket-Fight

Continued from page 57

cost of production, mostly to the success of taking pictures and to the departure of able writers and actors to Hollywood.

Few Brokers Sign Code

League of New York Theatres, aiming to continue the code which parallels the law in limiting premiums to 75c, was disconcerted over the delay in getting the brokers to sign for the present season. Up to Saturday (12) it was known that only a dozen independent agencies had signed or indicated their desire to do so.

League indicated it would 'take action' unless the agency people came to scratch. Whether the managers would go so far as to hold up allotments to the brokers is speculative. If the code enforcement board orders such a move it might cause sharp differences among managers.

Fact that a number of agencies are delinquent in the payment of the ticket levy, a hangover from last season, appears to have annoyed League officers, who are insistent that the agencies fork over. League and Equity recently refused to eliminate or lower the 'tax' of three cents per ticket, but at least some managers believe that nick is unnecessary, or at least too high. Reconsideration of the brokers' appeal may be in order.

Ticket men and some managers huddled with Paul Moss, license commissioner, who as such will be in charge of enforcing the Mitchell Law, with the result that the official made one concession in the regulations issued by him sometime ago. New law has been estopped from functioning because of the restraint in proceedings. It was evident that there well be dual supervision of the law, as the league insists on operating the code.

Moss yielded on the provision that would prohibit one broker from obtaining tickets from another, when it was pointed out that an agency not in the possession of tickets wanted by a customer often had to procure them from other agencies. Moss acquiesced as an accommodation for the patron.

Costly Ballet Theatre Again Becomes Active

The Ballet Theatre, costly dance enterprise which attracted attention at the Center, N. Y., last season, is rehearsing for further activities. Ballet is quartered in the former Bulmuth mansion on west 53rd street, with various groups in final preparation there. Venture cost around \$200,000 and it will cost another \$20,000 to start, operating again some of the money going for rehearsal pay. Lucia Chase, devotee of the classic dance, was the principal backer and is still on the bankroll end, but it's understood others are now also investing.

The Chicago grand opera association will be supplied with its ballets for six weeks, full programs being given there on two afternoons and Sunday nights. Following the Chicago appearances, the ballet will return to New York, probably being spotted at the 44th Street early in January. Dance attraction will then tour, playing legitimate theatres.

Chicago date and bookings are being handled by Charles Stewart, who, however, retains his connection with Rowland Stebbins. Richard Sherry, of Denver, who is the outfit's director, remains in that capacity.

Jimmy Nixon Hurt

Kansas City, Oct. 15.

Jimmy Nixon, assistant manager of the municipal auditorium and manager of the Music Hall, was severely injured Saturday (12) when his car was struck by a hit and run driver at DeSoto, Kan. Returning from a football game at Lawrence, Kansas, with Nixon were Tom McHugh, local fight promoter; Clyde Baker, member of Nixon's Music Hall staff, and Mike Sherry, a local salesman. Nixon sustained a neck injury. Sherry received several broken ribs. McHugh a fractured rib, and Baker a wrenched shoulder.



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Ladies' to Big \$13,500 Second Week In Chi, Moves; 'Father' Strong \$14,700

Chicago, Oct. 15. Heartbreak for show and theatre was the incident of 'Ladies in Retirement.' In for two weeks here under American Theatre Society subscription, the show in its second week zoomed to powerful music and evidenced that it was ready for a long and profitable run in town. But, having already been committed to move on, it left without even scratching the surface of its coin destiny in Chicago.

'Meet the People' holds to a steady but slow pace in the Grand and will try to stick it out here. Auditorium currently has the right side of the opera season and will follow in November with the Monte Carlo Ballet Russe.

Estimates for Last Week

'Ladies in Retirement,' Harris (2d and final week) (M-1,375; \$4.40). Upward theatre surge benefited long staying musical, which advanced to the \$20,000 level.

'Life with Father,' Blackstone (32d week) (1,200; \$2.75). Holding steadily to great profits. Attendance considerably up last week; \$14,700.

'Male Animal,' Selwyn (5th week) (1,000; \$2.75). In the right side of the ledger and evidences plan to make it a real run. Took \$11,000.

'Meet the People,' Grand (2d week) (1,200; \$2.75). Had a party last week which aided the gross. Word-of-mouth is good, but not showing much reaction at the wicket. Held to its first-week ambience at \$11,000.

NEW K. C. REVUE GOING VAUDE AFTER 1-NITERS

Kansas City, Oct. 15. A new musical revue is being readied for the road here by Frank Tracy and Tom Drake. Revue will open Oct. 24 in Norfolk, Nebraska, auditorium. It will be a two-and-a-half-hour show at popular prices.

Under title of 'Rise and Shine,' company will include Clarence Stroud as m.c., Jerry Coe and Maari Ann Moriarty and Debbi. Also O'Rourke, Texas Tommy and Baby Doll, George West, Elroy Peace, Wilford DuBois, line of 16, and Arlie Simmons' orch.

After several weeks of dates in this area, revue will be condensed into tab version to play Kemp time in the south. Tracy is producer at the Tower theatre while Drake operates a local agency. This unit is their second, as 'Three Cheers' recently completed dates on the Kemp circuit.

Stock Co. Would Make Minn. Legit Conscious

Minneapolis, Oct. 15. Described as a 'novel experiment of making the entire state an audience for living drama by sending a company of professionals on a state tour of brief stands which winds up in Minneapolis and St. Paul,' Henry Adrian's Minnesota Stock company starts this week with an engagement at New Ulm, Minn. The initial play is 'First Lady,' with Virginia Stafford, Star-Journal columnist who was an actress before she started her magazine and newspaper career, in the lead role.

The cast includes Marie Gale and Jack Paige, who are leading actors and leading man with the Bainbridge stock company at the Shubert here at one time; Dorothy Aley, Virginia Lamb, George Norbert and others. In New Ulm the show plays the Turner Hall.

The U. of Minnesota Playhouse also will launch its season this week with 'Peer Gynt.'

'Hattie' Milked N. H., So 'Pins' Gets N.G. \$3,600

New Haven, Oct. 15. 'Pins and Needles' set down on its road jaunt and fell below gross established on previous stand in its earlier edition. Show drew a bad break in having to follow the sensational 'Panama Hattie' which just about milked the town. 'Pins' drew approximately \$3,600 in four shows, not so hot.

Break-in of 'Second Helping,' which preceded 'Pins' for last week's first half, likewise was tepid despite friendly press reception.

This week (17-19) brings the opening of Helen Hayes' 'Twelfth Night.' Following show will be preem of the Shubert musical, 'Night of Love' (24-26).

'I Wonder'

James Spotswood, who died Friday (11), was at the Lamb Club the previous day when word was received that Berton Churchill had passed away. Spotswood signed the list of members sending flowers for the Churchill funeral and remarked: 'I wonder who'll be next.'

He was found dead in bed the next morning.

Churchill's Death at 64 Delays 'Geo. Wash.' 2d Time; Digges Replaces

Sudden death in New York of Berton Churchill, 64, Thursday (10) caused the second postponement of the George S. Kaufman-Moss Hart comedy, 'George Washington Slept Here.' Sam H. Harris presentation was originally set back a week to Monday (14) because of a knee injury to Ernest Truex and now dated to debut Friday (18). Dudley Digges was engaged to replace Churchill, whose part, while not extensive, was important.

It is the second time that Digges has stepped into a cast at the last minute. Two years ago he replaced Richard Bennett in 'On Borrowed Time.' The part then ran through the play, but the former member of the Abbey Players, Dublin, went on within a few days and scored an outstanding success.

Churchill came to New York from the Coast at the telephonic request of Harris, who had presented him in 'Alias, the Deacon,' in which he registered one of his top leg performance. He had been in innumerable pictures in his 11 years in Hollywood. Soon after arrival on Broadway, Churchill told fellow players that he was sorry to have left his family on the Coast. He said that he was homesick. He drank, thought to a limited degree, but his physician warned him against touching liquor a year ago. When he failed to report for rehearsals, he was found in a coma in his room at the Lincoln hotel, diagnosis being uremic poisoning. Stated he had been unconscious for 24 hours.

Veteran actor went on the stage at the age of 30. He was a printer, rising to press room foreman, and was active in the affairs of the Big Six, typographical union. He told of conflict within the union and at one meeting he was kicked in the groin, then thrown down stairs and left for dead. It is believed that incident led him to leave the printing trades.

Churchill's two-destinedness was evidenced during the actors strike in 1919, being in charge in Chicago for Equity. He was a power in the Equity council and popular in the Lamb club, where he was slated to become Shepherd but declined when given a Hollywood contract. Churchill went on the stage at the suggestion of the late Big Tim Sullivan, who introduced him to Harris.

He played the Albee stock in Providence from 1912 to 1915 and was idolized there. Leaving the stock field before its decline, his Broadway appearances included such shows as 'Six Cylinder Love,' 'The Wolfman,' 'A Fool There Was,' 'Trail of the Lonesome Pine,' 'Adam and Eva,' 'The 9th Guest,' 'Carry On' and 'Five Star Final.'

While Churchill was cast for 30 plays, his film assignments were far more numerous. In 1932 he was in 34 pictures and was cast in 29 during 1934.

'Skyark' 6G in Cincy

Cincinnati, Oct. 15. A fair gross of approximately \$6,000 was registered by Gertrude Lawrence in 'Skyark,' which opened Cincy's legit season the last half of last week with three night performances and a matinee in the 2,500-seat Eden. Top was \$2.75. It was Miss Lawrence's first visit here.

Show's b.o. obstacles were hot weather, start of the Cincinnati Symphony Orchestra's season, and the city's post celebration of the Red's world series victory.

For the first half of this week, the Cox seating 1,300 has Tallulah Bankhead in 'Little Foxes.' Top is \$2.75.

'Road' 7G in L'ville

Louisville, Oct. 15. 'Tobacco Road,' with John Barton in the Jeeter Lester role, played a full week stand at the Columbia theatre, closing Saturday (12), to a gross of approximately \$7,000, good. It was first stage show to hit town this season, and augurs well for the road shows which are booked to follow.

Company has been out six years, and John Barton, vet character actor, has played the Jeeter Lester role for four years, a record of never missing a performance. He played in burlesque at the old Buckingham here 42 years ago.

'HATTIE', \$23,000, BOSTON SMASH

Boston, Oct. 15. 'Panama Hattie' is the town's talk and tickets are scarce for the second and final tryout stanza here. Easily led the field in cash intake last week. 'Lady in Waiting,' with Gladys George, is okay, but not starting.

New 'Pins and Needles' opened last night (14) opposite tryout of 'Return Engagement' by Lawrence Riley and starring Bert Lytell and Mady Christians.

Estimates for Last Week

'Panama Hattie,' Shubert (1st wk) (1,590; \$3.30)—Unanimous raves for this one. Show opened Tuesday (8) but three matinees made the full eight-show week. Crashed through with sock \$23,000 for opening week.

'Life with Father,' Repertory (2nd wk) (955; \$2.75)—Held hot pace and tallied capacity; over \$12,000. Looks set for run.

'Lady in Waiting,' Wilbur (1st wk) (1,227; \$2.75)—Business reflects warm but unexcited press reaction, around \$7,000 for first of two weeks.

'Boys' Shop,' Conley (2nd wk) (1,038; \$1.65)—Bostonians like the low tariff here. Estimated okay \$4,000 to see this English play in second and final week.

Current Road Shows

(Week of Oct. 14)

'Berly Hills'—Maplewood, N. J.
'Ladies in Retirement' (Flora Robinson)—Nixon, Pittsburgh.
'Lady in Waiting' (Gladys George)—Wilbur, Boston.
'Life with Father' (Lillian Gish)—Blackstone, Chicago.
'Life with Father' (Dorothy Gish)—Civic Repertory, Boston.
'Little Foxes' (Tallulah Bankhead)—Cox, Cincinnati (14-16); English, Indianapolis (17-19).
'Male Animal' (Elliott Nugent)—Selwyn, Chicago.
'Man Who Came to Dinner' (Clifton Webb)—Cass, Detroit.
'Man Who Came to Dinner' (Taylor Holmes)—Memorial Auditorium, Trenton, N. J. (18-19).
'Meet the People'—Grand Opera House, Chicago.
'Meet the People'—Music Box, Hollywood.
'Panama Hattie' (Ethel Merman, James Dunn)—Shubert, Boston.
'Panama Hattie' (Katharine Hepburn)—Royal Alexandra, Toronto.
'Pins and Needles'—Plymouth, Boston.
'Quiet, Please' (Jane Wyatt, Donald Woods)—Biltmore, Los Angeles (15-19).
'Reunions in New York'—Brighton, Brighton Beach, N. Y.
'Return Engagement'—Copley, Philadelphia.
'Skyark' (Gertrude Lawrence)—American, St. Louis.
'Susanna and the Elders'—National, Washington.
'Tobacco Road' (John Barton)—Uptown, Racine, Wis. (14); Brin, Waukegan, Wis. (15); Colonial, Iron Mountain, Mich. (16); Delft, Marquette, Mich. (17); Kerredge, Hancock, Mich. (18); Calumet, Calumet, Mich. (19).
'Twelfth Night' (Helen Hayes, Maurice Evans)—Shubert, New Haven (17-19).

Engagements

Imogene Coca, 'All in Fun'.
George Lloyd, 'Tis of Thee'.
Helen Gleason, 'Night of Love'.
Keenan Wynn, Betty Garde, Philip Loeb, Joan Tetzel, Francis Reid, Edith Van Cleave, Ruth Thane, McDewitt, Will Lee, 'The White-Haired Boy'.
Ralph Theodore, George Macready, Douglas Parkhurst, Norman Stuart, William Nichols, Carol Wanderman, Tommy Lewis, 'Conquest in April'.

Auto Show, Fair Boost B'way; Jolson, \$29,400, Wynn, \$28,800, 'Night,' 16½G, 'Rooms,' 11G, Both Up

Rep Shows

Editor, VARIETY:
A line about the smaller shows of the sticks, if you don't mind. We have a few here in New England. Such small shows as the McNally Family Show, which has been the past summer in Vermont, and the Pennsylvania old-timer, Billy Blythe, and his small company, which I caught at a small town in northern New York, and my own small trick, which I have managed to keep going.

I saw Milton Craig, with his Craig Bros. show, in the Adirondacks this summer, and I also ran onto Freeman Turgin, who operates a 35 mm-picture show, and Freeman says his business wasn't so bad in the White Mountains this season. We haven't had many small rep shows in the east this year.

Oh, yes, I saw the Buddy Players in the Adirondacks, and there were two or three other small repsters, but E. F. Hannan, the Boston playwright, who furnishes most of the plays for small rep shows in the south and west, says that the small rep show is at a low ebb. However, I had a letter from a friend with a small show in Idaho, and he says the woods are full of small outfits in that section. But you can bet it's not like the old days.

N. W. Kennedy.

Buff. Child Labor Law Hits Hepburn's 'Story', Gross Big at \$11,500

Buffalo, Oct. 15. 'Philadelphia Story,' with Katharine Hepburn, opening the local legit season at the Erlanger last week, ran afloat the local Children's Aid Society, long the bane of traveling legit companies which include child actors. Biz, however, was capacity at estimated \$11,500 four shows.

The Society refused to allow the appearance of Leonid Keregan, the cast. Karl Nielsen, company manager, explained to the first-night audience that, although she had played the role of Dinah for two years, it was impossible for Miss Loneragan to appear here. He announced that the part would be played by Hope Bulkeley, understudy. Critics commended the following day upon the probable disruption of the local legit season due to the local interpretation of the Child Labor Law.

Children's Aid Society was responsible for the prosecution of the then manager of the Erlanger because of the appearance of children in the Pulitzer prize play, 'The Old Maid,' several seasons back. It also once forced the cancellation of Katherine Cornell here, her home town, due to a minor in the cast of one of her productions.

'Dinner' 8G in Det.; Shubert Stock Opens

Detroit, Oct. 15. This week saw the opening here of the Wilson, mainly dark these last years to five Detroit legitimate houses in operation, with reports that the Lafayette, also long dark, may come into the scene through Wee & Leventhal to give this town its largest drama season since the great blackout of '29.

The Wilson has been leased for two weeks by J. J. Shubert as the production center for a series of musical stock shows which, after two weeks here, will amble on the road through the Midwest. Opening show, 'Unfaithful Yours,' seen in New York in '33 as 'DuBarry'.

Cass rounded out its fifth week of 'Man Who Came to Dinner' last week with approximately \$8,000, and another week to go. Last week brought the total for the Clifton Webb-Doris Dalton company above \$80,000 for its stay here.

Abbott Steno Hurt
Phyllis Perlman doing single-week publicity typing for the George Abbott office. Broke her arm recently at New Hope, Pa., where her husband, Theron Bamberger, operated the Bucks County straw hat.

Estimates for Last Week

Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Opera).

'Boys and Girls Together,' Broadhurst (2d week) (R-1,412; \$4.40). Auto Show, increased World's Fair influx and publicity favored the theatres; Ed Wynn revue established itself as real coin getter, first full week's gross being \$28,800.

'Boys' Daughter,' Booth. Opened Friday (11) and after weak press was yanked following night, three performances.

'DuBarry Was a Lady,' 46th St. (45th week) (M-1,375; \$4.40). Upward theatre surge benefited long staying musical, which advanced to the \$20,000 level.

'George Washington Slept Here,' Lyceum (C-1,004; \$3.30). Was again delayed; by Berton Churchill's death; Dudley Digges replaced; opens Friday (18).

'Hells-a-Poppin!,' Winter Garden (108th week) (R-1,671; \$3.30). Something of a real wonder; laugh revue stays right up with leaders and got around \$31,000.

'Hold On, Your Hoots,' Shubert (5th week) (M-1,405; \$4.40). Reached a new high; extra chairs in for Al Jolson musical, which went to \$29,400, quoted.

'It Happens on 34th,' Center (1st week) (R-1,087; \$2.75). Mostly mixed notices, but in four performances grossed around \$20,000; ice revue went to belated attendance Saturday night.

'Johnnie Belinda,' Belasco (4th week) (D-1,000; \$3.30). With Helen Craig starred, business has been better, but needs higher takings to make stay of it; around \$5,000.

'Journey to Jerusalem,' National (1st week) (D-1,005; \$2.75). After questionable boxoffice notices, business weak; paced around \$4,000 and staying chances doubtful.

'Life with Father,' Empire (49th week) (C-1,005; \$2.75). Approaching year's run mark and seemingly as strong as last season, with grosses close to \$19,000 level.

'Louisiana Purchase,' Imperial (20th week) (M-1,450; \$4.40). Incoming musicals have not affected pace of front-runner, which again topped \$34,000.

'Man Who Came to Dinner,' Music Box (52d week) (C-1,102; \$3.30). Bounced back and night performances were capacity last week; \$16,000, with indications run will extend into December; has passed year's run mark.

'Second Helping,' Hudson. Postponed; sent out of town; is possibility next week or thereafter.

'Separate Rooms,' Plymouth (29th week) (C-1,107; \$3.30). Going strong; Saturday night attendance went to standing room and the week's gross quoted at better than \$11,000.

'There Shall Be No Night,' Alvin (20th week) (D-1,434; \$3.30). Improved as anticipated, takings going to \$15,500; big for straight play; another three weeks.

'Tobacco Road,' Forrest (28th week) (C-1,107; \$1.10). Record run, low cost drama is still advertising last week's gross by making some coin weekly; around \$5,000.

Return Engagement

'Time of Your Life,' Guild (CD-956; \$2.75). Fourth and final week of repeat date; takings around \$10,000; profitable at that level; goes on tour.

Revolvs

'Blind Alley,' Windsor (CD-873; \$2.20). Revival presented by Marie Louise Elkins and Clarence Taylor; opened Tuesday (15).

'Charley's Aunt,' Cort (C-1,064; \$3.30). Presented by Day Tuttle and Richard Skinner; played summer theatres successfully; starts Thursday (17).

'Kind Lady,' Playhouse (6th week) (CD-885; \$3.30). This revival probably inspired others to try Broadway has been faring very well; better last week; over \$10,500.

Added

'Sim Sala Bin,' Morosco (5th week) (939; \$2.75). Getting around \$8,000 and about breaking even; may move to another house; 'Susanna and the Elders' due here.

Gilbert and Sullivan Repertory, 44th St. (1,463; \$2.20). Another year or two to establish the troupe; then to tour; business under expectations; around \$7,000.

'Crocus' 4½G in Mont'1

Montreal, Oct. 15. 'Autumn Crocus,' with Francis Lederer, at His Majesty's at \$1.50, estimated gross \$4,500 for second week of legit season, which so far has not realized hopes.

Expectations higher for current offering, three Noel Coward plays featuring Bramwell Fletcher.

Quentin Reynolds

Continued from page 1

go there weekends to get away from the noise here. Last night I was looking for something to read. He gets all the latest magazines, and there they were. What the hell is the first thing I opened?—that's right, *Variety*. It was like a letter from home. I turned a page and there was Mark Hanna and John McClain are 'bound for Hollywood.' I am getting to be a sentimental mugg, but I felt like busting out crying. Remember how often you and I talked about going to Hollywood and staying with John for a while?—at his expense! You might have waited for me, you rat.

Needless to say I never got the letters you sent to Paris. I scrambled out of Paris so fast, with nothing but a prayer that I could beat them to Tours and then to Bordeaux. I have cabled to Paris via New York via Lisbon via Berlin to newspaper pals of mine with the Germans to pick up my mail at the Ritz and forward it to New York. Well, nothing happens. Pop has been in Japan all summer, and I assumed (probably wrongly) that he had written me; and he writes so seldom that I wanted his letters.

Our colleagues in Berlin are afraid to take a deep breath, apparently. Judging by the beautiful propaganda they are sending New Yorkwards, they should all get themselves kisses from Goering.

London Via France

You mentioned a lecture tour. Mark, this is it. What the hell else did Barry Faris (managing editor of International News Service) and Charley Colebaugh (managing editor of Colliers) train me to be—a monkey on a stick on a lecture platform? That's for the 'journalists' who scammed out here months ago. Besides, you can only make all this London business exciting if you haven't been here. I've seen too many women and kids pulled out of houses dead to get any exciting kick out of this. It's just horrible—not exciting.

France was exciting. Not as exciting as a Giants-Redskins football game but pretty exciting. Nobody got hurt much, and you could make believe that it was a big terrible war. But this isn't exciting and it isn't fun, and the thought of commercializing it and making dough out of it because you happened to be here makes me sick. Sure I'm making dough out of it from Colliers, but that's legitimate dough. Writing for Colliers is my racket, if it's about Hollywood or the Fulton Fish Market or the racetrack or this horrible thing that's going on. The New York papers shouldn't send war correspondents over here; they should send sports writers. This is a new sport, but still, it is a sport. It is called shooting fish in a barrel.

Reynolds' Radio Offer

You mentioned radio. I'd go on the radio every night from here if they'd make a deal with me. If they'd pay me a hell of a lot of money I'd give it to Beaverbrook's Spitfire Fund if they'd match what I gave. But for the moment you don't think of making dough, so don't range around here. (Mark Hanna is literary agent for Reynolds, besides being a close personal friend.—Ed.)

This is a lousy pessimistic letter, but I've a few bad hours. I've been in the subways nearly all night. I don't want to see that sight again. Every subway station in London is packed with people sleeping right now—it's 4 a.m. They form in line around 4:30 p.m.—whole families—with bottles of milk and tea and blankets, and then they go down there and flop on the cement floor of the subway.

Tonight I saw kids sleeping eight inches from the edge of the platform. If they ever had a nightmare they'd roll on the tracks. At 10 tonight the subways stopped running (yes I know they call them the tubs or the underground here, but they call them the subways too). People just couldn't get out of the subway trains and find their way to the street.

Sleeping Stations

At Piccadilly Circus station (that roughly would correspond to Times Square) there were 3,000 people sleeping. At Camden Town (that's like that West Side) there were 2,500 sleeping. Hempstead Station is the safest in London because there is a big hall at Hempstead where the subways have to go through and under. It ends up like the subway station in 145 feet underground. People start lining up at three in the afternoon. At nine tonight it was packed—about 3,500 there; and half that many outside trying to get into

the station. I stood out there with them and, 'bombed' maybe three blocks away, but one that falls three blocks away and the one that hits you sound the same.

They drop them from about 20,000 feet. Sound travels at 700 miles per hour; the bomb at 150 miles an hour. Literally you hear the bomb a mile off. Not only the 'screams' (my little name for the screaming bombs) but the ordinary bombs. When this one came everyone of us was scared. The whole crowd just standing there in the street in the darkness awed with the concussion when it landed. No one was hurt but that kind of thing happening 10 times a night isn't Ethel Merman singing 'Do I Love You?'

I walked home a smart four miles and some time try walking from Delancey street to Broadway and the 84th street with not a soul on the streets and not a light showing. You can't use a torch; you can't smoke a cigarette. Those so-and-so's aim at lights and you can see the light from a cigarette at 10,000 feet. I didn't believe it either but I've been flying some lately and it's true. Well, ask Dick Merrill.

Berkeley Square

So I'm home. I got a lovely apartment. I live at Arson House which used to be called Lansdowne House. It's on Berkeley Square and it's the loveliest apartment house in London. It's much like that place where Charley Colebaugh lives—that the hell is the name of it?—Hampden (Hampshire) House? Something like that! The first time we got it I thought it was a laugh. The second time I thought it was funny, because a bomb fragment as big as your left tassel fell on my bed, and I never had anything in my bed I disliked worse. Since then it isn't funny. It's monotonous and keeps you awake and if I wasn't firmly convinced—so 'help me—that these amateur killers can't touch me I'd be scared. Crises, how they lambast Berkeley Square which is a pretty quiet spot like, say, Gramercy Park.

There isn't a military objective nearer than Buckingham Palace and that's a good mile away. The popular song here is 'The Nightingale Sang in Berkeley Square'. To date they've silenced everyone but me and the nightingale.

Wow! Those 'screams' are dropping tonight and what a horrible noise. But what the heath, death is for suckers. I'll die of ulcers and you'll be hung by a posse which found you with the farmer's daughter in Glens Falls, N. Y.

Valet

Anyhow, as I got back home my valet was sweeping up glass in my joint. They hit us again. We change our glass in my place like McClain changes dimes. Forgive the 'my valet', but here with the rent goes valet who presses your clothes, gets your breakfast and does everything but sit on your lap.

He was telling me (this is a half hour ago) about how tough things were tonight when a real daisy hit us. It was one you couldn't hear coming down. They're the worst. It was the loudest explosion I've heard yet. That concussion is the damnest thing—it blows your windows out, not in. The curtains over the windows go out. The explosion sucks everything near towards it. You sway toward the damn thing like a snake giving you the eye. I sent my lad to find out what hit us and it really did hit us. It sounded like a direct hit. It seems silly but I got knocked off my chair (this was about a page and a half back), so did my dream valet. He wears a little ribbon in his lapel—the Mons ribbon from that other little war. But the guy was white like the war. Then the echo of the bomb hung in the air like they all do. So he went into the corridor and reported there was no smoke. That's the first step, no smoke—no direct hit. He went downstairs—no elevators working. He came back and said it was a wand-mine that hit Saville Row. We both busted out laughing.

Sure, it is bad taste, but two weeks ago when all of my clothes went for the second time I ordered some more. I got three suits this afternoon from the best tailor in Saville Row. But honest our Mr. Kadlec in New York has Saville Row like a mile. They are very cheap (compared to Mr. Kadlec's prices) and their material is wonderful but you have to go back three times after you get the suit to have them make alterations. I got out of France in my uniform and that old blue double-breasted suit

Mr. Kadlec made me. The tailors here go into ecstasies about it. Our Mr. Kadlec should open a branch here.

'Reynolds Luck'

I said we busted out laughing. The reason is that the bomb hit my tailor's and now maybe I won't get a bill. Marvelous! First break I got out of the war. My valet is in stitches about it. He says impudently, 'Reynolds Luck!'

That is practically Reynolds' latest gag. I live on next to the top floor here at Arson House, and nothing touches me. Christianson of the Express and a few others drop in late at night when, if they had any sense, they'd be sleeping in the fine shelters underneath the newspaper plants in Fleet street. They come here when things are toughest—say they'd rather depend on Resplendence Lullum on any shelter. So they stay here. Chris is insipid asleep now.

Nothing can happen to me, Mark. Ken Downs and I (I hope you met him) had a day in France, after which we had no right to be alive. Ask him about our 40-mile trip through No Man's Land. We thought we were 10 miles back of the lines. But that's just compared to what's happened since. I practically can't buy a drink without the guy next to me getting knocked off. Well, tonight's example is typical. My tailor in Saville Row (only 400 yards from here) gets the land-mine; I'm here typing, and all I get is slapped on my fanny.

Land-Mine

Do you know what it is—a land-mine, dear? That's their cutest new trick. It is a magnetic mine that comes down by parachute. It is 4,000 pounds of dynamite. It will hit the Hotel Pierre and level the Sherry-Netherlands, the Plaza, the Savoy-Plaza and anything within 200 yards of VARIETY's office on 46th street.

Why do they drop them by parachute. For this lovely sweet reason. They are so big that when they drop they would make a lot of noise (merely the air resistance) and they would scream as any bomb screams, only louder, because they are bigger and heavier. So people would get a warning and would drop on their bellies and maybe wouldn't get killed. But not so the blankets-blanks. They drop them by parachute as they did that one half an hour ago. No one heard it until it exploded. Sure, everyone within 200 yards was killed—maybe further. The practical result of it probably is that I won't have to pay my tailor's bill.

I wish I hadn't started this letter, but it is too noisy to sleep. For the first time in my life I'm really working many an hour a day, and really loving it. Good old Charley asked me to come home, for a rest. My God! Imagine running away from the greatest story any reporter ever had a chance to cover! I'm here from now on. God help me. I regret to say it isn't any fun. Mind you, in the morning I'll regret sending this, but you'll understand. I haven't had a decent night's sleep in so damn long!

The U. S. Newspaper Bunch

The toughest people in London are the American reporters. Kids like Tom Yarrowborough of the AP; Red Muller of the INS (my protegee); that grand guy, Ed Beattie of UP; Bill Stoneman of the Chicago News (the best of all by far); and 50 others. They are terrific, and what a beating they take!

How the hell is Sherman (Billingsley). He might send me a two-line cable. I think John O'Hara's stuff in News-Week is grand.

Cute gag of mine. A man went today to enlist in the RAF. They asked him his residence. He said London... and they gave him a white feather! Cute? [This is a switch on another Londonism—Join the Army and escape the war!—Ed.]

Quent.

MANY ACTORS GET JOBS FOR CAMACHO FETES

Mexico City, Oct. 15.

Numerous jobless showfolk are assured a Merry Christmas as a result of employment they will get during the grand national fair congress is arranging for here Dec. 1 to 16, to celebrate the taking of office Dec. 1 of President-elect Manuel Avila Camacho. The fair is to feature many free theatrical entertainments, besides pageants and singing. Congress figures that this fair, the first of the kind to be held here in several years, will have far reaching benefits for the town, that it will stimulate trade in general and attract numerous tourists.

Literati

Ingersoll to London

Ralph Ingersoll, publisher of New York's PM, who quietly clipped to London last Thursday (10), reportedly expecting to return with what his office thinks will be 'the journalistic coup of the century.' How long he will be gone is indefinite, but his office 'guessed' not more than a couple weeks.

Two more members of the PM staff are off this week to other points of the globe. Robert Neville, foreign editor, planned from New York, Monday (14), for the Coast and from there will fly to the Orient for three months. Today, Richard O. Boyer, who returned a few weeks ago from Germany for PM, leaves for Mexico, where he will headquarter more or less permanently.

Ingersoll's absence from the country, it was said, will have no bearing on voting by the stockholders tomorrow (Thursday) on a plan whereby Marshall Field III would take over the paper. That Field's proposal to form a new company and pay off original backers at 20c on the dollar will be approved is apparently a foregone conclusion. Ingersoll, according to Field, will be retained as publisher. Paper's present policy editorially and in not accepting advertising will be maintained, the Chicago department store heir has indicated. Only change may be an enlargement of the paper to give more news coverage. Field feeling that that's where its chief deficiency now lies.

PM denied last week widespread suspicion that the 'disappearance' of Boyer in New York was press-agency. Reporter, who was to tell on 'We the People' broadcast of his adventures while collecting material in Germany for a PM series, couldn't be found shortly before air time and reports went out via wire services and radio that perhaps the Gestapo had got him right in N. Y. It hadn't.

Dorothy Thompson and Reid

Though the N. Y. Herald Tribune gagged Dorothy Thompson's column in the sheet on Monday (12), it hasn't been the first time that the columnist and Ogden Reid, the Tribune's president and publisher, have clashed on political viewpoints. It's the first time since Miss Thompson started to write for the paper a couple of years ago that Reid undertook to hold out a Thompson stint.

He and Miss Thompson have been constant sources of talk among the literati in New York inasmuch as Reid is a staunch Republican. The withholding of the Thompson column followed by a week Miss Thompson's announcement that she would vote for President Roosevelt. The column killed expressed Miss Thompson's belief that the Axis desired the defeat of the President 'before the slightest shadow of a doubt.'

Mirror Renews Dan Parker

Dan Parker has signed another five-year contract with the N. Y. Mirror as sports editor and columnist. He began Jan. 1, 1942, when his present deal expires. New contract calls for a graduated salary boost and provides that he may write outside articles for magazines.

Parker has been with the Hearst tab since the start of its publication, 1924; two years he later became sports editor. His column is syndicated through King Features.

Original Vaude Me to Harvard

Douglas Gilbert, N. Y. World-Telegram staff writer, who authored the forthcoming 'American Vaudeville (Its Life and Times)' for Whittlesey House (\$3.50) is presenting the original 175,000-word ms. to the Harvard University Library's Theatre Collection. He has to chop it down to 50,000 words, the difference including much valuable historical data.

Gilbert expended seven years in preparation and writing of his book, it being decided to cut it down to \$3.50 edition, rather than at \$4, as a means for a wider 'popular' sale.

Raise Funds for Refugee Writers

Funds for the relief of 20 anti-Nazi writers in Europe will be sought at a dinner for scriveners from the other side who are now refugees in this country. Shindig with top American writers as speakers, in addition to the Europeans, will be tossed at the Hotel Commodore, N. Y. tomorrow (Thursday) by the Exiled Writers Committee of the League of American Writers.

Heinrich Mann, Franz Werfel and Lion Feuchtwanger, who arrived in

the U. S. last week, are expected to speak. There will also be a discussion: 'Writers in Exile and the Americas: Their Contribution—or Responsibility,' in which participants will include Louis Bromfield, William Saroyan, Pearl Buck, Edna Ferber, Fannie Hurst, Genevieve Tobes and Jules Romains. Clifton Fadiman will m.c.

Draft Pay Plan of Time, Inc.

Every employee of Time, Inc. which includes Life, Time, Fortune and March of Time, has been guaranteed a percentage of his regular salary for 14 months if called into service by national conscription. Percentage depends on the length of service by the employee and his salary. Percentages range from 15 to 55.

N. Y. Post Chops Payroll

New York Post's editorial economies over a period of two or three weeks is said to have chopped \$1,500 from the weekly payroll embracing 17 people.

Among those dropped were Ernest Meyer, columnist; Dorothy Dunbar Bromley, women; Pat Rosa, sports editor, succeeded by Garry Finlay, who was assistant city editor; Leo Heatley, another ass. c. who has gone to CBS; George Jelinek, Mary Ellen Green, William L. White, reporters; Dick Joseph, ship news, et al.

Schechter's Radio Book

Abe Schechter, director of news and special events at NBC, has completed writing a book on radio which he is doing in collaboration with Edward Anthony of Crowell-Collier Co. It will be published by Stokes early next year.

Time is labeled 'I Live on Air'

The dailies have been asked by the U. S. Secret Service in Washington to forego publication in advance of the exact times on the schedule of President Roosevelt's trip.

No explanation given, but similar cooperation with the Secret Service division has been asked before to prevent radical aliens from knowing too much about the arrival of the President's train.

LITERATI OBITS

Joseph J. Canavan, 53, chairman of the New York State Board of Parole and a former newspaperman, died in New York Oct. 10. Born in Albany, he started his newspaper career on the Brooklyn Eagle and later worked in executive capacity on the New York Sun and The World. He entered the political field in 1928. Widow and daughter survive.

Frederick P. Lattimer, 65, columnist and editorial writer for The Hartford Times and onetime staffman on the old New York Evening Mail, died Oct. 8 at his home in Hartford. Leaves two sons and two daughters.

Charles E. Westervelt, 68, publisher of the Oakland (N. Y.) Independent, died Oct. 13 in Batavia, N. Y., after an illness of two months.

CHATTER

Milton Mackaye was the ghost in the Statepost serial on Will Rogers.

Jack Lang in Hollywood on vacation from his Esquire syndicate writing.

Sol Lesser's daughter-in-law, Genee, is doing a Sunday column for Columbus (O.) Citizen.

Louis Bromfield back at his Ohio home after a few days in New York, during which he appeared on radio's 'Information Please.'

Ben Cristler, ex-N. Y. Times and latterly PM, now on the New Yorker doing general assignments. His first will be a 'profile' on Spyros Skouras.

Dr. A. E. Hertzler whose book, 'Horse and Buggy Doctor,' has become a best-seller, has new book, 'The Doctor and His Patients,' published by Harpers, off press.

Renouncing writer Rex Beach, the Ohio conservation and natural resources commission has changed the name of Rex Lake, of the Portage Lakes chain in northern Ohio, to Rex Beach.

John Paul Lucas, Jr., former Charlotte, N. C., newspaperman and now journalism professor at Clemson College, Clemson, S. C., has just brought out a novel, 'The King of Suffolktown,' in which the late Bailey T. Grooms, former city editor of the Charlotte (N. C.) Observer was a collaborator.

Broadway

Ricardo Cortez in town.
George Wellbaum a grandpoo for second time.
Reuben Rabinovitch press agent at Copley, Boston.

Phyllis Perlman returned from New Hope, Pa., with fractured arm.
Bill and Ned Norton celebrated their third anniversary Sunday (13).
John J. Friedl, operator of Par's northwestern theatres, in town for h.o. confab.

Walter Rivers, San Francisco manager of Castle Films, in New York for three weeks.

W. G. Schmus has lost a lot of weight since his op but reports that he's feeling fine.

Allen St. John Brenon on the Coast for work of Par contacting on campaign tieups.

Mickey Aldrich has rejoined Eddie Sherman's booking office, after a brief tenure with CRA.

Tommy Lyman now crooning at Cafe Doree, formerly Jimmy Savina, East 46th street.

Edward Bernays throws cocktail party this afternoon (Wednesday) for author Manuel Komroff.

Walter Donaldson planned in from Coast Friday (11), a brother having appendectomy and pneumonia.

Algonquin Super Club starts again tonight (Wed.), Greta Keller back to head the entertainment.

Sole colored floor show on Broadway will be at the Tropicana, soon to open on site of the old Yumurti.

Herb Forster, Western Electric advertising chief, due back this week from an extended vacation in the mountains.

Paul Whitman at opening of the rdeco, Madison Square Garden. His cousin Hub from Clarksville, Tex., is a judge.

Wife of Carl Clausen, budget executive of Paramount, who has been ill for about a year, hopes to be in shape by Jan. 1.

Marjorie Knapp, singer with the 'Boys and Girls' company, is also understudying Jane Pickens lead in the show.

Maurice Golden subleased Teddy Bader's apartment, which is better than being sick in a rowboat 10 yards off Fire Island.

Joe Roberts, Broadway show biz exploiter, handling the Gay Blades ice skating show, leaving Jaffe named director of activities.

Club Waikiki, W. 52nd street's newest Hawaiian nitery, won't unveil until end of the month due to unforeseen difficulties.

Bill Waters, former Broadway p.a., now on the Coast, has penned a tune labeled 'Slap-Happy Lassie (With a Streamlined Chassis)'.
Lou (MCA) Minger, who's 'pink slip' scare from the War Dept. to discover it was the order blank for the Army-Notre Dame game.

Sherman Billingsley's cocktail party at the Stork, Ed Wynne and his 'Boys and Girls' together company postponed until next Sunday (20).

Bill Scully, Universal salesman, presently in Dallas on product deals, goes to the Coast for a studio confab before returning to N. Y.

William Dozier, of Berg & Allenberg, in from Coast Monday (14) for two weeks of office department and agents represented by his firm.

Harold Dobrow, formerly Paul Small's secretary in the William Morris agency, promoted to his assistant in the Chicago department.

Ben Kalmenson, Warner's western southern sales manager, checked back into the h.o. Monday (14) after a swing around the company's branches.

Hildegarde closes at the Savoy-Plaza tomorrow (Thurs.) and bows in at Chi's Hotel Drake Saturday (19). Dwight Drake follows her at the Savoy.

Meredith Willson planned in and out for the Chaplin premiere. He did the score and saw it for the first time in its entirety at its last night (Tues.) preem.

If anybody asks where's Gus Shy, vet musical comedian, he's been four years in Louis Shure's agency in Hollywood selling talent, and is now a partner therein.

Stock brokerageing is so dull that George Price, ex-stage comedian, says he's rehearsing a routine just in case. Nobody wants to trade these days, he complains.

Eal Roach, Jr., east with a crew to shoot background on the Pennsylvania railroad for 'Broadway Limited', winds up this week and returns to the Coast.

Bruce Cabot, Warner Bros. player who attended the 'Knee' Roach premiere at South Bend before coming on to New York last Sunday, left for the Coast yesterday (Tuesday).

S. Charles Einfeld will remain in New York two weeks, lining up campaigns on new WB product. This gave Mort Blumenstock a chance to break away for a Palm Beach holiday.

Warner Bros. will hold its first Thanksgiving dinner-dance at the Commodore Nov. 23. Martin Bennett in charge of arrangements, with Harold Rodner, Harry Mayer, Bernard Goodman and Eddy Phillips on his committee.

Giovanni Martinelli, Metro tenor, vacationing in Carolinas, enroute to Milwaukee from Havana. Following week's appearance in Milwaukee, goes to Chicago to join Chicago Civic opera, thence to New York to resume with Metropolitan.

With Steffi Duna dropping out of George Jessel's act to get married, Lela Allen (Mrs. Jessel) joins the unit for its final weeks in Buffalo and Milwaukee starting tomorrow (Thursday). Miss Duna is wedding film player Dennis O'Keefe.

Pittsburgh

By Hal Cohen

Ada Frew, owner of Evergreen Gardens, back from the hosp minus her tonsils.

Playhouse has another original revue by Charlie Gaynor listed for this season.

Rep. office staff gifted the chief, Jim Alexander, with big cake on his 56th birthday.

Smiley Betteville still around this territory doing one-day personals in suburban houses.

Young Donald Buka signed for role in Helms-Hayes-Maurice Evans 'Twelfth Night'.

Ann Corio's first date of season with Casino has been set back until week of Nov. 11.

Hal Roach crew in town for several days doing location stuff on 'Broadway Limited'.

Dick Carter in ahead of Terry Turner, drumming 'They Knew What They Wanted'.

One of Stanley sisters at Nixon Cafe and a local engineer are readying an announcement.

Charles Laughton coming in Sat- (19) for one-day personal at Penn with 'They Knew What They Wanted'.

Localite Jackie Heller stopped off in Sioux City, Ia., for date at 100 Club on his way back from Coast visit with Davey Rose.

German Films

Continued from page 3

real facts when the persons concerned are unwilling to talk, it is apparent from what has become known in the theatre in Czechoslovakia.

Situation's dull. But there are rumors and rumors. Some say it's too quiet to augur anything good.

Augusta Lara, No. 1 Mexican romantic songwriter, warbling to his own piano accompaniment, 15 minutes, three nights weekly, on the Bayer program in Czechoslovakia.

Government is training up three troupes of selected young men and women to present truly Mexican ballets. Best troupe is to debut at the Palace of Fine Arts (National Palace) here Nov. 20 (Revolution Day). Others are to go on the road.

President-elect Gen. Manuel Avila Camacho, who is slated to take office Dec. 1, guest of Metro at a private showing of 'Gone With the Wind' at the Cine Iris here. Public exhibition of this film has been announced for some time, but as yet no date has been set for it.

Right now the fear-stricken exhibitors hesitate to show the Teuton films for fear they will be well-alanated the anti-Nazi customers, but they still want to be in a position to cash in on the 'big' pictures that are promised.

'Tchekowsky's' a Nazi Pic
Theatres in Chicago and Pittsburgh were notified this week by the Non-Sectarian Anti-Nazi League that 'Life and Loves of Tchekowsky' is a UFA-made picture. Although it contains no propaganda, League spokesmen declared, film rentals on it revert to Germany.

Picture recently wound up in the World, Chicago, and was to go into a Pittsburgh theatre shortly. Additional dates, it is said, are being sought in both cities.

German Newsreel

San Francisco, Oct. 15.
Aaron Goldberg's Newsreel theatre currently playing Ufa's 'Nr. 461', so-called 'Fall of France' newsreel. Display ads read simply 'Scoop! German Newsreel!' Special trailer on screen announces that 'through a strange trick of fate, the theatre was able to present said reel. The "strange trick of fate" was a dicker with Mario Parisi, who operates the Princess and screened the reel several weeks ago as part of the regular program at the all-German house.

Understood Goldberg is paying \$50 rental for about 14 minutes of Nazi clips. Except for fact main title is dropped and Technicolor briefs of the American reel is shown just as made, Deutsches dialog and all.

House manager Bucky Williams was nervous about the stunt up to its actual unveiling, holding off actual screening until 8 p. m. on opening night. Turned out that instead of feared riots, reaction was one of interested silence. Folks obviously curious and not sure just how to take it.

German Propaganda Exhibit
Hollywood, Oct. 15.
Suit is threatened by S. K. Ferenz for his ejection from the Mason theatre, which he subleased and attempted to use for the showing of German propaganda picture.

Theatre is one of the town's oldest legit houses, being operated by Dr. Peter Ricard.

Australia

By Eric Gorrick

Covent Garden Ballet to U. S.
'Convoy' (ATZ) is proving highly successful in Sydney.

'Wind' continuing second-run in Melbourne at lower rates.

Upping in wartime work is moving his up in the ace New Zealand spots.

Biggest heart-throb tune on the airways presently is 'Til the Lights of London Shine Again'.

Norman E. Rydge, chairman of Greater Union Theatres, was defeated in his first bid for Parliament.

'Hiawatha' is being given charity showings in Melbourne with home-bred talent. Same idea may be tried in Sydney later.

Luna Park, Sydney's major amusement center, got away to a nice start for summer season. Many U. S. attractions spots.

Gregan McMahon, indie lecturer, is presenting 'The Light of Heart' in Melbourne. Will follow with 'The King of Nowhere'.

Norman E. Rydge, band leader, doing three weekly shows for Australian Broadcasting Commission apart from running Embassy club, Melbourne.

Four short prop pic, 'Mail, Hands, 'Austin', and 'An Anzac Writes Home', are being playacted by local exhibs via Information Dept.

Mexico City

By Douglas L. Graham

Max Gomez, local RKO rep, father of a Pic actress Andrea Palma opening up a she-hat shoppe here.

Eva Beltri, veteran hooper, back from a three-year tour of South America.

Nancy Torres fawelled with a cocktail party on her departure for Hollywood.

Armando de Maria y Campos, the dramatic actor, has authored a book on the theatre in Czechoslovakia.

Situation's dull. But there are rumors and rumors. Some say it's too quiet to augur anything good.

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Madrid

By Joseph D. Ravotto

Jose Torres, cutter for Fox, in from the States where he spent 15 years, to see family.

Mexican pic, 'El Rancho Grande,' off the boards at the Imperial after a record run of 18 weeks.

New variety show planned for Coliseum where 'S.O.S.' with Raquel Meller, has been holding for months.

Jose Lopez, 'El Gran Circo,' is schooled in Hollywood, preparing 'El Asombro de Damasco' ('The Marvel of Damascus').

Jai Alai's name of new pic slated on Basque coast. Will deal with the Basque game and is being megged by Pedro Quintana.

British Embassy girls, including three American wives of British officials, back to Gibraltar where they put on an amateur theatrical for the Tommies.

Helen Hatt, NBC, first American radiocaster or news correspondent to be present during an aerial bombing of Gibraltar. She broadcast her experiences from Madrid (Sept. 27).

St. Louis

By Sam X. Hurst

Ben Robbins, local branch manager for UA, an expectant father.

Paramount Pictures branch is installed in new modern home on film row.

Will Osborne's band and Shirley Howard, warbler, current at Chase Club.

Gordon Carter will direct 'Outward Bound,' opening play of 14th season of St. Louis Little Theatre Nov. 1.

St. Louis talker houses were dark for more than one hour last week when two high-tension wires shorted.

The Dakota, a South St. Louis nabe owned by the Grahm brothers, and shuttered during the hot weather, has reopened.

Gertrude Lawrence, currently in 'Sylvia,' at the Americana theatre, was guest of honor at luncheon meeting of Playgoers of St. Louis, Inc.

Roy Cropper, Broadway tenor, has been linked for title role in 'The Student Prince,' which will be presented by the Light Opera Guild of St. Louis.

in the Municipal Auditorium Monday (21) and Wednesday (23).

Last nabes took their annual kicking last week when the Villed Frophet parade was held. The Parade patterned after New Orleans' Mardi Gras, attracted more than 300,000 along the seven-mile line of march.

Walter Brennan, screen player, made two quickie appearances here on one day last week. He appeared on the stage at Loew's, where 'The Westerner's' current and to which he's featured, and also participated in the Variety Club's show at the Fox.

Reno

By Leola McDonald

Faith Baldwin expects to spend three weeks instead of the customary six, here by Coeopolitan to do a series of six novelettes with Reno and Nevada locale.

Hugh Wiley also in town, supposedly for the Saturday Evening Post. Wiley divorced and married his wife, Justice Wiley, both actions taking place in one week. He is domiciled at the Riverside, but reported he is fixing up a de luxe trailer to spend the winter in.

Constance Bennett established herself here on Oct. 1 and immediately went house-hunting. Her divorce from Marquis de la Falaise de la Courday will come up in six weeks.

Sonny Dunham, for 12 years with Glen Grey and Casa Loma orchestra, here at El Patio ballroom Oct. 4, followed Pinky Tomlin who just closed a season at the Stateline Country Club, Lake Tahoe.

'Margin for Error' by Clare Boothe will be the first attraction of Reno little theatre, now in its sixth year under the directorship of Edwin Semenza.

Ned Sparks

Continued from page 2

him anyway, he glowered, because he's turned down so many in the past as not suitable.

'All I Ask'

'All I ask is a producer who will pay my established price, \$16,000, picture for four weeks' work—and not try to chisel me down to \$14,000 or \$12,000—and then let me work out the dialog as I would say it, not as some scriptwriter thinks I would say it.'

He's found numerous producers, he said, who are not only willing, but anxious, for him to write in his own dialog. Then, however, he declared, 'after I've sweated blood over it they demand that it be toned down because they're afraid it will get more attention than some female who's never been in a picture before and they're paying six times as much as they are me.'

What Sparks terms Hollywood practice of 'burning up' talent by using it in too many pictures and casting it improperly is another of the player's squawks.

'That's why I've never accepted a contract from a studio, he asserted. 'I know that four pictures a year is my maximum, to be effective. But they get you under contract and want to put you in 16. They have you playing in four different pictures at once. Nobody can be funny, romantic, or an attraction in any other way when you see him that often. Look at Guy Kibbee if you want an example of a wonderful comedian whom they've used up. Not for me. Why should I burn myself up for those guys?'

Ned Sparks joined the flock of stage players back from Hollywood when he entered the cast of 'Second Helping' last week, it being his first eastern legit appearance in 10 years or more. Play is the first among those tried out in rural theatres last summer that is due on Broadway.

Many strawhat plays were supposed to meet Broadway presentation, but such activity is lagging.

'Helping' was announced to open in New York Saturday (12), but after a three day date in New Haven, first half last week, Walter Bacheor, Monte Proser and Lee Schubert, on the presentation end, decided on changes. Sparks was engaged to replace Joseph Sweeney and the part is slated to be built up. 'Helping' is slated in Philadelphia Saturday (12) at the Locust. It may debut in New York next week.

Bume Cronyn just bought an old farm at Redding, Conn.

Sidney Fleischer, theatrical attorney, has joined Broadway's back-to-the-land movement. Bought a farm near Brewster, N. Y.

Hollywood

Frank Capra back from Oregon siesta.

Jane Darwell recovering from mumps.

Johnny Noble in from Honolulu on vacation.

Phil Gersdorf joined RKO publicity staff.

Norman Taurog to the hospital for a checkup.

William Seiter back from a Honolulu siesta.

George Cukor to the High Sierras to read scripts.

Igor Stravinsky guesting with Louis Liptone.

Bill Holman dislocated a shoulder in a squash game.

Murphy McHenry on a 10-day tour of the midwest.

Orson Welles fighting flu attack.

Also Alan Mowbray.

Ernst Lubitsch back to work after a siesta at Arrowhead.

Michael Curtiz pulled a shoulder ligament in a squash game.

Alice Faye's illness delayed final scenes of 'Tin Pan Alley'.

Robert Benchley back from Broadway to resume film work.

Richard Widmark joined Harold Lloyd's gag gang at RKO.

Bob Burke checked out of Metro to join the Canadian air force.

Stanley Nelson, holding his own after an emergency appendectomy.

Adele Oswald Rosener fled suit for divorce against George M. Rosener.

Pinky Jimmy Durante fled suit for separate maintenance, asking \$300 a week.

June Duprez and Sabu to Warm Springs, Ga., for personal appearances.

Maynard Tow joined the William Morris agency after checking out of Metro.

Marga Ann Deighton switched back to her original family name, Marga la Rubia.

Maureen O'Sullivan back from Canada with the script of a book about Hollywood.

Paramount Studio club holds its annual autumn blowout at the Beverly Hills hotel, Nov. 2.

Horace Heidt became a valley rancher through the purchase of the King Charney acre.

Greta Granstedt substituted an annual suit for her divorce action against Max de Vega.

Loa Brooke returned from New York with Albert Villa, who makes Hollywood debut at RKO.

Tex Ritter out of commission for two weeks, result of a wounded knee sustained in a screen battle.

Maxie Rosenblooms celebrated their first wedding anniversary and two birthdays at the same time.

George Abrams, in from New York to make 'Thank You, Columbus' at Hollywood Playhouse.

N. H. (Jack) Brower moved in as executive assistant to James Roosevelt, president of Soundies Picture Corp.

New Haven

By Harold M. Bone

Bill Doll in on 'Second Helping' ballyhooing.

Lincoln has opened its season of revivals and foreign films.

Belle Baker's son, Herbert, back at his Yale undergrad studies.

ATSG Guild has abandoned the local ATSG-Guild subscription idea for this season.

Locals trekking to nearby Bridgeport for the burley they don't serve around here.

Richard Barthelmess popped in for a look at his offspring on the Eli football squad.

Con Coleman, Tent of Circus Funs of America had blowout at Hotel Taft, with Dr. Staples, prez, presiding.

Walter O'Keefe emceed and James Melton and Conrad Thibault warbled to 35,000 at Wilkie personal appearance here.

Rosita Royce threatened to walk out of recent Arena Sunday vaude show when limited stage space cramped style of her doves.

In preem of 'Second Helping' were Jessie Royce Landis, who played the lead, its star, who played at Stamford; Henry Hull, whose boy, Shelley, stage manages the show; Ned Sparks, who was later signed for the comedy lead.

Minneapolis

By Les Rees

Nick Lucas follows George Givot into Curley's night club.

Paramount Pep club having fall outing at Lake Falls.

Ballet Russe here with Minneapolis Symph Oct. 26-27.

Federal court hearing of Minnesota theatre involuntary bankruptcy petition postponed to this week.

Carlton Miles, here ahead of 'Tobacco Road,' was drama editor of the old Journal here for many years.

Myron Adcock, Warners salesman injured in an accident, must remain in hospital at least seven more weeks.

Leo Sahlkin, from William Morris office in Chicago, in for Alvin Karpis's vaudeville inaugural this week.

OBITUARIES

TOM MIX

Tom Mix, 69, one of the biggest money-makers in the film business as a cowboy film actor, died instantly in an automobile accident near Florence, Ariz., Saturday (12). Further details in film section.

JAMES SPOTTSWOOD

James Spottswood, 58, veteran legit and film actor and more recently active on radio strip serials, died of a heart attack Oct. 11 at his home in New York. A native of Washington, Spottswood started his career there in 1908 with the old Columbia Theatre Stock Company. As a youth he studied criminal law to develop his poise and the power to hold an audience's attention.

After gaining further experience playing stock in New Orleans, he came to New York and joined the A. H. Woods organization under whose sponsorship he appeared in several of the "Potash and Perlmutter" comedies. Later, he acted on the road in support of Julian Eltinge. Other plays in which he was seen were "Parlor, Bedroom and Bath," "Getting Gertie's Garter," "June Moon," "Excess Baggage" and as Dr. Gibbs in the road company of "Our Town."

Spottswood appeared in a number of pictures including Paramount's "Thunderbolt" in 1929. Several years ago he entered radio work. A guest star from time to time, he also had roles in the "Second Husband," weekly dramatic show, and "Young Widder Brown," a strip serial.

A member of The Lambs and The Actors' Fund, Spottswood is survived by his widow, Belle, a former actress, and a daughter, Virginia. Funeral services were held Monday (14) in New York and burial took place in the Actors' Fund plot at Kensico Cemetery, N. Y.

SAM BEHRENDT

Sam Behrendt, 61, insurance executive and pioneer in the film industry, died Oct. 9 at his home in Beverly Hills after a year's illness. He had undergone an operation in San Francisco two months ago and was removed to his home last week when paralysis set in.

Although insurance was his chief business, Behrendt was an early entry in the motion picture field when producers were striving to gain a foothold in Hollywood. He not only wrote insurance for the industry but also banked loans and otherwise helped them on their way. Sam Goldwyn, Louis B. Mayer and other chiefs of the picture industry were aided by Behrendt in the old days and maintained their associations with him until the time of his death. He was a stockholder in Principal Pictures and in several of Sol Lesser's screen ventures, dating back to the West Coast Theatre days. In addition, he was interested in Jackie Cogan Productions.

Surviving are his widow and a son.

JAMES BRADBURY

James Bradbury, veteran legit theater, died Saturday (12) in Clifton, Staten Island, the day of his 83d birthday. A graduate of Tufts College, Bradbury, following his first stage appearance in Sims and Pettit's "The Roman Rye," played with Edwin Booth, Dion Boucicault, Nellie McHenry and other notables.

He was a member of the original cast of George M. Cohan's "Fifty Miles from Boston," also acting with Anna Held at about this time. He later was in the original cast of "Ready Money" at the Maxine Elliott theatre, New York.

Other Broadway plays in which he appeared are "A Night at the Circus," with Miss McHenry; "Along Came Ruth," "Oh Boy," "Shavings," "The Whole Town's Talking" and "Lady Be Good," the latter with Fred and Adele Astaire.

For many years he had been a guest at the Perry Williams Home, East Islip, L. I. Widow and a daughter by his first wife survive. Services at noon today (Wednesday) at the Walter B. Cooke Chapel, New York.

ABRAHAM GOODSIDE

Abraham Goodside, 60, the last surviving member of a pioneer Maine film exhibitor family, the other members being Hiram Abrams and William H. Reeves, died Saturday night (12) at his home in Portland, Me. Abrams was his brother-in-law. A native of Minsk, Russia, Goodside went to Portland as a youth and

first engaged in the tailoring business. In 1912, in partnership with Abrams, he opened the Big Nickel (later the Strand), the first 100% film venture in Maine, and a year later promoted a second film theatre in Portland, the Empire. From then on until the middle of the 1920s he added a number of houses to the chain, going far afield as Providence, R. I. and Springfield, Mass.

In 1938 he severed operating connections with his first and last interests, the Strand and Empire theatres in Portland, but retained the ownership of both along with other realty. Widow and daughter survive.

TIM KEELER

Tim Keeler, 74, former field man with the Western Vaudeville booking office in Chicago, died in Chicago of bronchial pneumonia on Oct. 8.

As field man for Western Vaudeville during the early years of the century, Keeler made the rounds of the midwest to signature theatres and fair dates for the booking office. He was the first American to go to the Orient to bring over Japanese and Chinese acts for vaude and circus routes.

He remained with Western Vaudeville and later with the United Booking Office until the office was taken over by RKO, at which time he retired.

Widow survives. Burial in Chicago.

JOHN S. (JACK) TERRY

John S. (Jack) Terry, 76, of Terry and Lambert, a noted comedy act of some 30 years ago, died Oct. 9 in Belmont Hill, Mass. Death was attributed to a complication of diseases.

With his wife, Mabel, Terry toured the leading vaude circuits of the U.S. and had appeared in England and Europe. They specialized in comic dialog and characterizations.

Later a legit actor, deceased made his last appearance in "What Every Woman Knows" in 1928. Burial was in Boston, Oct. 11, under the auspices of the Actors' Fund. He leaves a son.

CHARLES E. MITCHELL

Charles E. Mitchell, 76, retired musical comedy actor, died Oct. 13 at the home of his daughter, Mrs. Edward B. Rogers, in Long Branch, N. J.

Born in New York, Mitchell made his debut with Montgomery and Stone in "The Old Town." The son of Charles and Sophia Mitchell, both of whom also appeared on the stage, he had roles in many musicals, the last of which was a part in "Hit the Deck," produced in 1927 at the Belasco, N. Y.

Besides Mrs. Rogers, he leaves his widow, Anna, a former actress; two sons, a brother, and two sisters.

WALTER LINDSEY

Walter Lindsey, 66, theatrical manager and advance man, died of a kidney ailment Oct. 14 at the Queens General Hospital, Jamaica, N. Y.

Born in Birmingham, Ala., Lindsey was long active as an advance man and once managed the Lyric theatre, N. Y. Funeral services will be held today (Wed.) at the Walter B. Cooke Funeral Home, 117 W. 72nd St., N. Y., under auspices of the Actors' Fund.

A member of the Friars Club, he is survived by his widow.

OLIVE YOUNG

Olive Young, 37, American-born Chinese actress and former film star in China, died Oct. 4 in Bayonne, N. J., after a five-day illness.

Born in St. Joseph, Mo., Miss Young was appearing as a singer at the Hi-Hat Club, a Bayonne niter, when she was stricken with internal hemorrhages.

She is survived by her husband, Dr. Alfred Lum, a Honolulu dentist, who cabled directions for the body to be cremated and the ashes sent to him.

JACK EGAN

Jack Egan (John C. Egan), songwriter, died Sept. 28 in his sleep at his home in New York, at the age of 48. Egan was the author of about 40 songs, the biggest hit being "Be Still My Heart" in collaboration with Allan Flynn. He also wrote "That's the Kind of a Baby for Me" sung by Eddie Cantor in his first "Ziegfeld Follies."

Egan served in the ambulance corps in the World War, and for a number of years, was at Broadway

Music Corp. He was a member of ASCAP.

EDWARD C. JORDAN

Edward C. Jordan, 65, burlesque producer and onetime vaudeville, died in Ridgeland Park, N. Y., Monday (14) of a heart attack.

As a boy Jordan ran away from his Mobay, Ala., home and became a tight-rope walker's assistant in a troupe traveling through Texas. He later was a comedian in stock and appeared in numerous vaude sketches at Tony Pastor's, New York, several of the skits being written by him in collaboration with George M. Cohan.

DR. WILBUR J. SOUTHEY

Dr. Wilbur J. Southey, 60, for 29 years consulting veterinarian for the Ringling circus, died Oct. 13 in Bridgeport, Conn., after a brief illness.

Though he had treated scores of tigers, elephants, lions and other jungle beasts in his career, he was injured only once, when gored by a gun.

Widow and brother survive.

EDWIN P. NORWOOD

Edwin P. Norwood, 59, former press agent for the Ringling circus and one time special rep for Maude Adams, died suddenly Sunday night (13) at his home in Old Lyme, Conn. Of late he had been director of the Old Lyme Art Assn.

Norwood had been a newspaperman before turning to press agenting.

BERTON CHURCHILL

Berton Churchill, 64, legit and screen actor, died Oct. 10 at the Medical Arts hospital, N. Y., of uremic poisoning. He had come (Continued on page 63)

MARRIAGES

Gitta Alpar to Niels Wessal Bagge, in Las Vegas, Nev., Oct. 8. Bride is stage and screen actress; he's an opera singer.

Ethel Gionnetti, Ken Craig, in San Francisco. He's chief announcer at KFSO, Frisco.

Frances Martin to Pierre Paulin, in Detroit, Oct. 6. He's announcer at KDKA, Pittsburgh.

Martha Evans to Charles Nelson, in San Antonio, Oct. 6. He is announcer at KMAC, San Antonio.

Peg Roberts to Ray Stewart, in Erie, Pa., Sept. 1. He's commercial representative of WPIC, Sharon, Pa. Margaret James to Dr. J. McCann, in Sharon, Pa., Sept. 28. Bride is director of women's programs at WPIC, Sharon.

Helena Cadena to Perfecto Barbosa, in San Antonio, Oct. 6. He is Spanish newscaster for KONO and KMAC, San Antonio.

Eddy Duval to A. W. Crapsey, in Denver, Oct. 12. He is commercial manager of KOA, Denver.

Sally Karagozian to Charles Burke, Oct. 2, in Rockville, Md. He is on the staff of Fortune Gallo. She is a non-pro, but was formerly in the same office.

Lucille Fairbanks, film actress, to Owen Crump, scenarist, Oct. 13, in Montecito, Cal. Bride is niece of late Douglas Fairbanks.

Florence Steinberg to Ralph I. Zacham, in New York, Oct. 9. Bride is in the RKO h. o. publicity department.

Janet Marshall to Philip Edward Stevenson, in Boston, Oct. 15. Bride is playwright; he's press agent for Oscar Serlin.

BIRTHS

Mr. and Mrs. Will Cowan, son, in Hollywood, Oct. 7. Father is producer of musical shorts at Universal.

Mr. and Mrs. Berline Lay, Jr., daughter, in Hollywood, Oct. 8. Father is screen writer.

Mr. and Mrs. John H. Auer, son, in Hollywood, Oct. 9. Father is a producer-director at Republic.

Mr. and Mrs. Joseph L. Manckiewicz, son, in Hollywood, Oct. 9. Father is a Metro producer.

Mr. and Mrs. Carl Ward Dudley, daughter, in Hollywood, Oct. 9. Father's a screen writer.

Mr. and Mrs. John Nesbitt, son, in Hollywood, Oct. 9. Father is shorts producer at Metro.

Mr. and Mrs. Charles Schlaifer, daughter, in San Francisco, Oct. 8. Father is manager of United Artists theatre.

Mr. and Mrs. Henry Koppin, son, Sept. 30, in Detroit. Father is manager of the Uptown theatre, Detroit.

Mr. and Mrs. Harold Sandelman, daughter, in Detroit, Oct. 3. Father is state sales for Metro.

Mr. and Mrs. George Clapp, son, Oct. 14, in New Rochelle, N. Y. Father is with Mutual network in New York.

Football

By Dick Fishell

(WHN, N. Y., Sports Commentator)

Manhattan-Detroit

The Manhattan Jaspers are aggressive but don't have the manpower or the size of Gus Dorais' Detroiters. Detroit should mow 'em down.

Temple-Michigan State

The Temple aerial game is above average, but State is sound on the ground and in the air and should topple the Owls.

Alabama-Tennessee

Bama is untested as yet while the Tennessee Volunteers rate top ranking in the south. Bobby Fox leads the way as Tennessee conquerors.

Baylor-Villanova

Villanova Wildcats are strong in the air but this game is played in the southwest and the Baylor Bears are too tough at home to be beaten.

California-UCLA

This is a disastrous year for California while UCLA is potentially strong. Jack Robinson should pace the attack as the Uclans win.

Colgate-Duke

The Colgate Raiders are better than they've shown themselves to be but their double wing back is passe and Duke will overpower them.

Georgia's Bulldogs head north with the finest soph talent they've

remain one of the top teams in the land. Using its second and third stringers, Notre Dame marches on.

Ohio State-Minnesota

There's dissension in the Buckeye ranks and Francis Schmidt is not getting the most out of his material. The Gophers should knock O. S. out of the conference running.

Penn.-Princeton

Princeton has only Dave Allerdice while Penn has its best squad in history. The Red and Blue to romp all over the Tigers.

Pittsburgh-Fordham

A versatile Fordham Ram goes into the lair of the Panthers to continue its winning ways.

USC-Oregon

Oregon doesn't have it while USC is improving week to week. The Trojans, going away.

SMU-Auburn

Auburn is vulnerable to a passing game while SMU is particularly talented in that department. The latter will take it to the win.

Texas A & M-TCU

The Texas Christian bubble was burst by North Carolina. The Aggies have had but one real test and came through that unscathed. Based on paper alone Texas A & M should come home in front.

Probable Football Winners

(And Proper Odds)

GAME	WINNER	ODDS
Manhattan-Detroit	Detroit	3-1
Temple-Michigan State	Michigan State	3-1
Alabama-Tennessee	Tennessee	12-5
Baylor-Villanova	Baylor	5-7
California-UCLA	UCLA	8-5
Colgate-Duke	Duke	3-1
Columbia-Georgia	Columbia	5-7
Cornell-Syracuse	Cornell	4-1
Harvard-Army	Harvard	8-5
Indiana-Iowa	Iowa	7-5
Kansas-Nebraska	Nebraska	3-1
Michigan-Illinois	Michigan	4-1
Mississippi-Duquesne	Miss.	15-5
N. Y. U.-Holy Cross	N. Y. U.	1-3
Notre Dame-Carnegie Tech	Notre Dame	4-1
Ohio State-Minnesota	Minn.	Even
Penn-Princeton	Penn	3-1
Pittsburgh-Fordham	Fordham	9-5
USC-Oregon	USC	3-1
SMU-Auburn	SMU	8-5
Texas A&M-TCU	Texas A&M	3-1
Tulane-Rice	Rice	5-8
Washington-Oregon State	Wash.	7-5
Washington St.-Stanford	Stanford	7-5
Wisconsin-Northwestern	Northwestern	3-1
Yale-Dartmouth	Yale	Even
Ga. Tech-Vanderbilt	Ga. Tech	9-5
Arkansas-Texas	Texas	2-1

Box Score to Date
Right, 41; wrong, 15; ties, 4; pct., 732
(Ties not counted)

ever assembled. Columbia, not outweighed, is a potent offensive machine and may surprise Lou Little by shading the southerners.

Cornell-Syracuse

Syracuse powerhouse NYU but it's in a different league this week. The Cornell juggernaut continues to roll.

Harvard-Army

Harvard showed some strength against powerful Michigan and based on that performance is the favorite.

Indiana-Iowa

The Hoosiers are over-rated while Iowa's Hawkeyes haven't been given all the credit due them. Iowa moves on with a decisive victory.

Kansas-Nebraska

Nebraska is a big machine and has yet to reach the zenith of its potentialities. Kansas will be a stepping stone.

Michigan-Illinois

Illinois is no pushover, but Tommy Harmon, the one-man riot, will again mean the difference between victory and defeat for Michigan.

Mississippi-Duquesne

The Dukes don't seem to have the winning combination of last year. Ole Miss has one of its finest aggregations, and playing in its own backyard, should grab the long end.

NYU-Holy Cross

The Crusaders are 3-1 favorites, but that is based on the Violets poor showing to date. A Mal Stevens team is never that bad, and we're selecting it to bounce back for a surprise win.

Notre Dame-Carnegie Tech
Tech is feeble while the Irish still

Tulane-Rice
Pre-season dope over-rated Tulane. Later hasn't a passer while Rice has discovered an offense and will put it to good advantage in upsetting Tulane.

Wash.-Oregon State

The Pacific Coast title may ride with this one. A Washington victory seen.

Wash. State-Stanford

State may cause trouble but Stanford's new attack should be effective enough to get a close decision.

Wisconsin-Northwestern

Northwestern, sparked by many great ballotters, will outscore Wisconsin in a high-scoring fracas.

Yale-Dartmouth

Dartmouth's only mediocre, but Yale up to now must be rated as poor. Two of the Eli's best backs did not face Pennsylvania, but they're ready for the Indians. Yale to get its first victory of the year.

Ga. Tech-Vanderbilt

Tech showed considerable power in losing to Notre Dame last week, and so should step out on this one.

Arkansas-Texas

Texas is moving too fast for the Arkies.

Sammy Watkins, now at Biltmore, Dayton, O., returns to Hotel Harvard, Vogue Room, Cleveland, Oct. 28, when Baron Elliott's crew leaves for Bill Green's Club in Pittsburgh. Later booked there for four weeks, going into Trionan Ballroom, Chicago, around Dec. 1.

Miss Lenihan On 'Reds'

Continued from page 2

meeting of Equity is reported. It is stated "...a resolution against Communists and the declaration that no Red, Nazi or Fascist shall hold office or be employed by Equity, was carried by a large majority. That includes any person who sympathizes with persons advocating totalitarian principles. The meeting again asked that the charge of Representative William P. Lambertson be investigated by the Dies Committee. That was in the form of an amendment to the original resolution."

The original resolution, as presented by the Council to the meeting for its approval recorded Equity as being opposed to Communism, again asked Mr. Dies to investigate, and gave the Executive Secretary a vote of confidence. At the meeting, an amendment was proposed and carried, barring any member of, or sympathizer with, the Communist Party, Nazi Bund or Fascist Party from employment or office in Equity. This is a very different thing from a sympathizer with person who advocates totalitarian principles. I myself feel very sorry for some of the people who advocate totalitarian principles, though I hate the totalitarian parties.

Further on, it is stated "...Lambertson proposed to bombard the membership with literature supporting his charges. To any one following the articles in VARIETY on this question since last July, and Representative Lambertson's remarks in the Record, it is very clear that he proposed mailing his remarks in the Record to the membership as a solution to the problem of informing the membership. Equity had voted to publish the matter in the Equity magazine. Then the question of libel suits came up and the Council decided it could not risk that possibility. Lambertson then suggested Equity having the Congressional Record reprinted at cost. That suggestion was ignored and he then requested the mailing list, so that I might take the responsibility of informing them on this question. Is that bombarding them with literature or is it the democratic right of the members of Equity to know exactly what these charges are and what evidence supports them?"

Quotes

The same article quotes Lambertson as saying: "Hewitt denies any association with the Theatre Arts Committee (which was originally the League of Workers Theatre, section of the International Union of the Revolutionary Theatre, headquarters Moscow, and he gives a great quantity of evidence to support this statement. Whether or not the evidence offered on this and other charges is conclusive is, of course, a matter of individual opinion; but no one can truthfully say, as VARIETY has quoted several times, that not one of the evidence has been offered. Certainly the Congressional Record must be available to VARIETY to check such a statement."

Another statement printed by VARIETY several times (included also in an account of the nomination of Tallulah Bankhead last May) is to the effect that the "Rightists" in Equity were motivated by anti-Semitism. This is wholly and completely untrue and a very simple matter to check. The "Rightists" in Equity have supported and endorsed several Jews for the Council. Of the nine people accused by Lambertson, only three are Jews. The most shameful part of the constant repetition of this charge is the help it gives to the stupid and vicious Fascist accusation that all Jews are responsible for and a part of Communism. That certain Communist sympathizers try to obscure the issue and protect themselves behind such an accusation, is a horrible and shameful disservice to their race, and a blow against American freedom and freedom.

Alan Hewitt

In the Oct. 9 article it is stated that Alan Hewitt was "partially cleared by Dies." Mr. Hewitt made no investigation of any Equity members charged by Lambertson.

Again, this article states—"Indicated that those named by the Kansas legislator are actually being per-

secuted." Mr. Lambertson made charges in the Congressional Record. There has been a fight in Equity to allow the membership knowledge of these charges. No other effort has been made in any way to take any other action in regard to them, except to ask the Dies Committee to investigate. How may this possibly be termed "persecution?"

Also your article of Sept. 18, from Washington, spoke of evidence and disclosures which would be released by Congressman Lambertson in the near future, not one word of Lambertson's statements of Sept. 24 in the Congressional Record has been mentioned in VARIETY, except in regard to his apology to Hewitt, and the denials of some of those involved. More than half of the Congressman's insertion in the Record

of Sept. 24 was a summary of the evidence he offered to support his charges. Some of this evidence was startling and most of it was 'news' to us in the theatre. It would seem that a fair and full reporting on the question would give some indication of this part of Lambertson's remarks.

I cannot believe that you have been aware of the inaccurate and biased reporting in VARIETY on this matter and therefore I have gone in to it at such length. The question of possible Communist penetration in the theatre unions is of vital importance to the profession. It has already affected the Federal Theatre, it may possibly influence the matter of entertainment units in the Training Camps. It has a tremendous effect on the important factor of public good will toward our unions. It requires the fullest and clearest reporting by VARIETY, in order to obtain truthful and fair final judgment by the members of the profession and the public.

Winifred Lenihan.

Chaplin At Airport

Continued from page 2

day noon and hardly a ripple stirred the airport. Chaplin, unlike most others of the Hollywood stars, not only can succeed in escaping attention because he has changed while his screen guise remains the same down through the years; but he also does escape it, because he doesn't court it.

Slipped down since he was last seen in the east, Oakie mugged for the cameras and gagged with the press corps as he arrived on the STWAtoliner. He waited a few steps with a TWA hostess, called a dignified autograph houndess "darling" and frightened her by pretending he was going to plant a kiss on her lips. He gave his "Napoleonic salute" to about 500 people on the Observation Deck who cheered, applauded and laughed—all but one boy. The boy looked as if his family was straight from fascist stock and he thumbed his nose at Oakie. The comic caught the gesture, mimicked it right back with the added feature of winding his right hand, crank-wise, beside his face, and shouted: "Hya, Movietone News."

Oakie imported a few of the film colony's freshest yarns and loosed them on the reporters and photographers covering. When a few boos and catcalls greeted his "Napoleonic salute," Oakie cracked: "Hope there'll be no gunplay. Any G-men would have worked out as that crack did. Ten seconds later and 50 feet away, J. Edgar Hoover walked by to his plane for Washington."

Cowboy

Still wearing the 10-gallon top-piece given him by Amon Carter at the Texas opening of "The Westerner," Walter Brennan ended a fortnight in New York by lifting on the United Mainliner last Thursday (10) Cleveland-bound. He talked genially with a group of acquaintances at the ticket counter and confessed that his lifelong ambition was to be a cowboy, then when "The Westerner" came along, he was cast as the cracked judge.

Brennan's next release will be "Meet John Doe," another film with Gary Cooper. Directed by Frank Capra, the story is "very timely" and has been kept a secret by his studio, Brennan said.

Friday (11) saw the arrival on American's Flagship of Dick Powell, Dorothy Lamour and Meredith Willson. The same night, Rudy Vallee took the straight-line straitline route to the Coast. Bill Stern straited out to Chicago the night before for his football broadcast Saturday, and Irene Rich joined the Stratoliner Club Wednesday (9) night.

Overseas

Pan-American's Clipper traffic, which has been unusually lacking in showbiz folk of late, took an upward spurt last week. Fred Lange, European representative for Paramount Pictures, went out Thursday (10) on Capt. Charles Lorber's Dixie Clipper, heading for Barcelona to see what may be sagged by the physical properties of Far's offices, as well as of the Spanish film market. He said he thought there was a chance of building up the market in the Balkans too, but that statement took a kicking around with Nazi ("protective") invasion of Rumania the next day.

W. Somerset Maugham arrived by Clipper intent on retrieving from memory a couple of novels. He lost the manuscripts for them when he was evacuated from France where he had lived for 13 years. He went to Nelson Doubleday's Long Island

home. Said he might lecture if someone asked him.

Tenor

Also by Clipper came Jussi Bjorling, Norwegian tenor of the Met, accompanied, as it happened, by his accompanist, Harry Edbert, who is also secretary to the tenor.

The pair may have set a record for air mileage. They were in Sweden seven days before reaching New York. They flew from Gothenburg to Berlin and stayed there three days, then flew to Madrid, then Lisbon, then New York, and were to rest a few days here before hopping a plane to San Francisco for a "La Boheme" date this Friday (15). After concerting, Bjorling is to open with the Met December.

Bjorling was the first passenger in weeks who had been in Berlin, and reporters prodded him with questions. After saying he'd had plenty of coffee there, and enough other foods, he said he saw no air raid damage in the city. A heavy sleeper, he stayed in his hotel and ignored raid warnings to go to bomb shelters, he said.

"Please, can't you ask me something about singing?" he asked, as the barrage of war questions levelled him.

Band

Benny Goodman is building himself a band that promises to rival his old gang. Arriving on the STWAtoliner last midweek to talk to him were Ben Pollack's Bobby Clark, trumpet, and Harry Yager, drums. They flew in from Chicago to talk over a deal.

Bills Next Week

Continued from page 55

Ruth Raze	Duke Dewey
Cheney Harley	Billie Holiday
Paul Burton	June Carmichael
Carlos Vesta	George Jessell
Heckle Howard	Al Alexander
Mac McGraw	Verna
Club Royale	Charlie Page
Dean Murphy	Cole & Corie
Theodore & Denisha	Joe Madden
Blackie Lambert	Leo Layton
Joyce Reimer	Ann Starr
Joyettes	Pat Williams
J. Burkhart	Harry Clark
Statter Hotel	Whittier Hotel
Carmen Castillo	(Gold Cup Room)
Lina Rana	Londoners
Miguelito Valdes	Wonder Bar
Raul & Eva Reyes	Pedro Delon
Adel Mara	6 Laplaya Dancers
Xavier Cugat	Carmen Regal
San Diego	Betty Young
Ted Meza	Faddy La Bato

CLEVELAND

Alpine Village	Singing Marines
Ileen Morrow	Billie Holiday
Art Lacker	Pierce & Roland
Curtis Marionettes	Tanner & Swift
Bob Cohn	Pat Williams
Otto Thurn	Joe Morand
College Inn	Roman Armengod
Hy Baron	Catalina Rolon
Eddie Sid & Val	Jack & Eddie's
Freddie's Cafe	Robertson, Roberts
Art Lacker	Paul Williams
Valentine Voo	Arlene Alice
Ruth Dennis	La Gongin Club
Yvonne Morley	Ramon Ariza
Eddie Barnes	Lindsay's Bar
Gourmet Club	Ray Jayson
E Robinson	Earl Preston
Leo Barill	Paul Deluca
Four Bobettes	Mom's Club
Bill Lochman	Sid Prussin
Max Albertson	Peggy Fears
Grant Wilson	John Walcott
Marlyn Maynard	Olds Villa
Hotel Carter	Henny Wills
Veranillas	Castle & Barrett
Bob Oltis	Jay, Lou Seiler
Hotel Cleveland	Alice Kurns
Paul Pendarvis	Mirice Spitalny
Hotel Sterling	Thirty-Seven Club
Mary Lake	Mar Stanley
Marion Bowen	Art Calkins
Art Calkins	Pat Dennis
Hotel Hollenden	Parisian Divorcee
Baron Elliott	

Gene Autry Tops N. Y. Garden's 15th Annual Rodeo, And Prattfalls at Preem

By JACK PULASKI

The 15th annual rodeo, billed as the "world's championship," opened very well at Madison Square Garden last Wednesday (9) and will continue until Oct. 27, it being the longest and most populous of the cowhand meets. First night attendance looked stronger than ever before and the advance sale was claimed to be considerably better than last year.

There are 202 contestants listed and all are supposed to participate, though it is known that some were dropped from the competitions during the first few days. Number of riders and ropers is bigger this time because the Chicago meet was dropped. It has always been something of a mystery how most of the hands are able to get by, for the real money getters are not numerous. Understood that around 30 earn the bulk of the prize money, that same contingent copping elsewhere in the country.

Insiders say the top hands pick up \$8,000 and upward annually in prizes, the biggest prize not exceeding \$15,000. Claimed there is quite a contingent who manage to earn \$5,000 to \$7,500. As for the others, they get along by borrowing from those who are in the chips. "Stage" entrance to the Garden looks something like those on Broadway, with plenty of lasses visiting from the nearby sticks hanging around to lamp or meet the western parties. Some of the latter are from eastern dude ranches, however, one being located in Florida.

Feature of this year's show is the first pro appearance of Hollywood's Gene Autry in New York. He has been making personals on the kerosene circuit, but didn't say it quite that way. In addressing the audience via the microphone, the cow operator says "I'm going to show you a present see his pictures, for they are popular in towns that even Mrs. Roosevelt hasn't visited," that getting a laugh.

Autry's Prattfall

There seems to be some difference of opinion about Autry's "know" about horses, but he is graceful rider and has two class nags in Champion and Champion Junior, working with both. He had a bad break in alighting on opening night, a spur catching in the reins and resulting in a prattfall, soiling his nice cream buckskin pants. Cost of bringing Champion east by plane was reputedly \$3,400.

But the western star was more effective warbling, with a cowhand musical quartet accompanying. He gives out with these ditties, first being "Back in the Saddle Again," followed by "Tumbling Tumbleweeds," Topper of course is "South of the Border," a song which he brought back from abroad and which furnished the title for one of his pictures.

Autry's song interlude is his second appearance and he is spotted amid a number billed as "Home on the Range," in which half a dozen ranch girls participate. Their contribution is the mildest of the show. They demonstrate how cattle is cut from the herd for branding or marketing purposes. A bunch of longhorns, which are not bred any more, is used, being referred to as the "vanishing herd." Such animals are lumbering cows, quite different breed from the Brahmas used for steer riding and bulldogging.

Grand Entry Spectacular

Entry of cowboys and cowgirls at the opening is the show's best sight, evolutions of the riders' wooing plaudits. In the van are Florence Valiquette, said to be the champ drum majorette, and Ted Erickson, working as a team and solo. Part of their routine is acrobatic and most of it is very good.

Riding competitions are exciting as usual, the real draw of the rodeo. All contestants stayed aboard the bronies in the bareback event, but there were spills in the saddle bucking contest. "The broncy" was a familiar names, but among the new ones is a poney called Joe Louis. Hell's Angels is rated the toughest. Anyhow, its rider was given the pitch pronto.

Girl bronc riders must stay in the saddle for nine seconds, the men being required to stick for 10. Steer wrestling or bulldogging seems to be

a distinct second to the calf roping event this season. Some of the calves are so tough that it is part a matter of luck as to which hand does the job quickest. Comedy events, such as wild cow milking, has become rather exciting. Clowns Jimmie Nesbitt and Jasbo Fulkerson, with their mules and rodeo stuff during the exciting steer riding event; are again present. Mound basketball game is also a fixture. Showing, too, are the kids riders and ropers, Donald and Gene McLaughlin, former standing out.

Frank Moore, who has been handling the Garden's rodeo shows for years, is again the operating head, with Everett Colburn the managing director.

Sports 'Charity'

Continued from page 1

large way. He leased the Municipal Auditorium, getting a reduced fee for two performances because of the war fund angle; he hired some local press agents; then he paid a visit to Art Cohn, vitriolic sports editor of the Oakland Tribune and the battle was on in earnest.

Before Sommers was through, he had a lusty word battle with Cohn and been denied all representation in Cohn's column; he had been repudiated by the British Consul, who had had his Auditorium lease cancelled; he was being threatened with prosecution by the state and federal attorneys' offices and the FBI.

It seems there is a Federal law requiring a license for all who would hold benefits for nations at war; there is a regulation that 70% of the gross must go to the beneficiary after the license is secured, and there are various other rules to be followed.

Sommers brushed aside the admission that he came from Germany 12 years ago and has no citizen papers—the British consulate turned up that bit of information—and asserted that he was merely a press agent for Flynn aiming to get a little publicity for his principal, and not concerned whether he turned over the profits, after taking out expense fees, to the British War Relief, the American Red Cross, or any other established charity.

To which the British War Relief Fund replied that it wanted no part of the affair and would even decline an unattached donation from Sommers. The last public statement from Sommers was that he would hold the event regardless and that it would be the first of a series to be offered in various cities. It seems extremely dubious that Oakland will be the springboard, unless Sommers has a tent handy.

OBITUARIES

Continued from page 6

from the Coast to play in 'George Washington Slept Here' (Lyceum). Details in legit section.

WALTER ALLEN

Walter Allen, 65, manager of the Arcade theatre, Detroit, died in Detroit of influenza.

His son, Wade Allen, is owner of both the Arcade and Fine Arts, also Detroit.

MRS. LEIGH JASON

Mrs. Leigh Jason, 35, formerly portrait photographer at Metro; and wife of the film director, died Oct. 12 in Los Angeles.

Other survivors are her mother, a daughter, and brother, Mark Sandrich, the film director.

SILVESTRA REVUELTA

Silvestra Revueltas, 40, leading Mexican composer, died Oct. 5 in Mexico City. He was former director of National Conservatory and sub-director of the Mexican Symphony. Widow and daughter survive.

Mrs. Olive B. Knight, 76, mother of John Forest ("Curly") Knight, picture player, died at Fairmont, W. Va., Oct. 9. Her husband, James A. Knight, for years connected with the Warner theatres at Fairmont, died in 1938.

Father of Franz Waxman, Metro composer, died Oct. 13 in Los Angeles. He was 72.



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VARIETY

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U. S. TELEVISION MISSOUT

'Tom Mix Rides On Forever', Title Of Program That Used Only His Name

Ralston has decided, despite the death of Tom Mix, to continue the Mix character in its juvenile series on the NBC-red. The cowboy star never himself appeared on the program. The program's version of Mix started out as a mythical character and always kept so. Idea that the program will project from now on is that the 'spirit of Tom Mix rides on forever' in the hearts of both young and old, thereby projecting the late film luminary as a legendary character.

On the day (14) Mix was buried the program did not clear, by arrangement of the sponsor and agency, Gardner, over its regular Los Angeles station, KECA.

Estate

Los Angeles, Oct. 22. Last will of Tom Mix divides his estate equally between his widow, Mabel Hubbell Mix, and one of his two daughters, Mrs. Thomasina Mix Mathews. His old horse, Tony, is bequeathed, along with his rodeo trophies and cowboy equipment, to his friend, Ivon D. Parker.

Four former wives and his other (Continued on page 53)

English Kids Talk To Parents via NBC; Great Heart-Tug Broadcasts

Americans have twice listened with tight throats as groups of English children now on this side spoke overseas to their parents through the facilities and by arrangement of NBC. Last Thursday (17) was the second of the two occasions arranged by Abe Schechter, special events director of the American network. It drew Paramount and Pathe newsreels and, at the London end, Life magazine took photographs of the parents.

George Hicks handled the kiddies in New York and Fred Bate mustered the fathers and mothers in (Continued on page 45)

25c-Cabaret for B'way, Billy Rose's New Idea

A 'two-bit cabaret' is Billy Rose's idea for a mass-capacity nitery on Broadway, as his next venture. Quoting his N. Y. Fair's Aquacade and Diamond Horseshoe, mid-Manhattan cafe, as the best answer that mass turnover at pop prices pays big dividends, Rose feels that the 25c cabaret, actually a glorified danchall, should net plenty. Especially with the soft drinks, sandwiches, etc., to supplement the two-bit gate.

A West 52d spot, now a rink, may be the setup, although Rose last season had his eye on the International Casino, which has since become a Bond clothing store.

Mrs. Elliott Roosevelt Into Her Hubby's Job

Fort Worth, Oct. 22.

Mrs. Elliott Roosevelt is now president of the Texas State Network and of its board of directors. Took over duties after departure of her husband for Wright Field in Dayton, Ohio, where he assumed duties as a captain in the United States Army Air Corps.

H. A. Hutchinson will exercise active management of the web's broadcasting activities.

TWO PATRIOTIC SONGS TOP U. S. BEST SELLERS

For the first time since 1918 two patriotic tunes top the sheet best seller list. They are 'God Bless America' and 'Shout Wherever You Are, I Am an American.'

The Irving Berlin number has been No. 1 several times, but it's the first time that the Mercer & Morris song, 'I Am an American,' published over a year later than the other, has reached second place. Jobbers are of the opinion that the M & M number is likewise destined for No. 1 place and sustained counter call.

Sale of brass band arrangements of 'I Am an American' has already gone over the 3,500-mark, something unusual these days in that source of business.

PRO FOOTBALL'S ACTS BETWEEN THE HALVES

Washington, Oct. 22. Professional football has apparently decided to do something about those stage waits between the halves—and that's how variety acts will cash in. First variety performer to get such bookings is Pansy the Horse (two men and a girl) which appeared at a Washington (Redskins) game in the capital two weeks ago.

George Marshall owner of the Washington pro team, is something of a showman, which explains the booking. Now Dan Topping (husband of Sonja Henie) wants to follow suit for his Brooklyn Dodgers. He's dickering for Pansy the Horse as an entracte for the Dodgers' N. Y. Giants Game at Ebbets Field Nov. 3.

Football's first real dash of showmanship, however, came a few years ago, when Southern Methodist University of Texas bust out with a real hot swing band to serenade the customers.

COULD OVERCOME ENGLAND'S LEAD

But, After a Spurt of Progress, American Television Is Now Practically at Standstill—Think RCA Might Seek Alliance With Metro-Goldwyn-Mayer

COLOR CONFUSES

The United States may be throwing away the great opportunity it had to wrest television leadership from Great Britain. When war was declared in September, 1939 a first casualty was British television. Likewise in Germany, and as far as is known, Russian television experiments ceased. The path was open for the United States and for a time it looked like the Yankees would carry the ball for a touchdown.

However, recent events have slowed American television down to (Continued on page 55)

CROSBY TIRED OF GAB BUT STICKS

Although Bing Crosby has expressed himself as anxious to get off Kraft Music Hall and instead work on a program where he would merely have to sing, no one has been authorized by him to submit him to another sponsor. He is bound to Kraft, through the J. Walter Thompson agency, for at least another five years.

Rumor that Crosby had made himself available for another account resulted from the action of a New York talent agency. This talent office offered Crosby to F. Ward Wheelock for Campbell Soup. When Everett Crosby, the singer's manager, heard about it he called Wheelock and informed him that Bing was tied up and that he didn't know when, if ever, he would be available to any one except Kraft.

Some time ago some one, not connected with Lord & Thomas, approached Everett Crosby about a deal for his brother with Lucky Strike. There was lots of conversation on this proposal but nothing came of it.

Crosby is reported to have asked Thompson for a release from his contract several months ago, because he felt that he had been on the Kraft show long enough and because he was tired of doing so much crosstalk every week.

Chaplin's Rebuttal to Film Critics' Cool Reception of His 'Dictator'

Looking for \$1,000,000

Worth of New Faces

'I'm in town to buy \$1,000,000 worth of actors,' says Billy Grady, Metro studio's talent scout, 'but they're tough to find.' He's heading back to the Coast over the weekend.

Grady keynotes a renewed daniel-booneing for new faces, which is Hollywood's challenge to the charge that interest in pictures is on the downbeat.

By HERB GOLDEN

Charles Chaplin, sometimes heatedly, sometimes resignedly, always appearing just a bit tired, came to the defense Monday (21) of five year's labor. 'The Great Dictator,' probably more one man's picture than any other in history, had been smitten by the critics and, like a mother cat springing to defense of her brood, Chaplin took up arms for his offspring.

As VARIETY, in an interview, brought up point after point of objection registered by one reviewer or another in the New York papers, the trade press and elsewhere, the man who had gained a reputation as the world's premiere comic explained away each one. Never before greeted by the critics with less than unstinted praise, Chaplin's reaction to the treatment of 'The Dictator' was that it failed to please the reviewers completely because it didn't follow their preconceived ideas of what it was to be.

'The critics misunderstood,' he declared, 'because they had a precon- (Continued on page 4)

DISCS TO BOOM IF WEBS BAN ASCAP?

Phonograph record companies are preparing for a huge increase in business should the American Society of Composers, Authors and Publishers and the broadcasters fail to get together on a new licensing contract by Jan. 1. Besides new dance tunes, the heavy call is expected to come on folios containing the show numbers of Victor Herbert, Jerome Kern, Sigmund Romberg and George Gershwin.

It has not yet been decided whether the promotion put out by these companies will make capital of the circumstances that much of the recorded music is not available on the networks and major stations. Two of the companies, Columbia Phonograph and Victor, are related to networks, the first as a subsidiary (CBS) and the latter as a sister corporation to NBC.

BLAME JUKEBOXES, PIX FOR KIDS' BOOZE HABITS

Waterbury, Conn., Oct. 22. Jukeboxes are driving the dance-mad 'teen age lads and lassies of America into taverns where they end up as 'full-fledged customers of whiskey and gin,' charged Mrs. Anna M. DeYo, secretary of Women's Christian Temperance Union at a state convention held here last week. She slammed liquor traffic's work on the 'youth of America,' and asked the removal of all jukeboxes in liquor houses.

Another attack was leveled at the picture industry whence comes a steady stream of propaganda for liquor, according to Mrs. DeYo. She cited figures in Advertising Age, trade journal, which showed that in 140 pictures studied over a period of several weeks, 113 contained drinking scenes. Champagne bouts led the (Continued on page 53)

Sarnoff Sees Radio Leaving Itself Behind In Another 5 Years

Hollywood, Oct. 22. Five years from now the radio of today will have become obsolete, technical progress is moving so fast. That's what David Sarnoff, RCA and NBC headman, told Veteran Wireless Operators of America, who tossed him a luncheon last week. To this prediction he added, 'I've been saying that every five years now for some time and it has always happened.'

Among the luncheon guests was Fred Sammis, who gave Sarnoff his first job as an office boy with the old Marconi company. Network nabobs and engineering heads made up the bulk of the attendance.

Draft Day Eve Ushers In N. Y. Nitery Upbeat

Starting with last Tuesday night (15), the New York niteries started booming in almost wartime manner. For an early weekday, business was extraordinarily long, late and bullish, especially in the more popular-priced spots catering to the young people. Bonifaces finally concluded that because of the Wednesday (16) draft, the night before was a sort of escapology celebration, but it has kept up since.

The Chaplin dual premiere at the Astor and Capitol on Broadway sent the chi-chi customers into the class joints, but the real whoopee of abnormal proportions was noted in the un-Morocco and un-Monte Carlo type places.

You're in the Army Now

Hollywood, Oct. 22. They had it all figured out, did a dozen or so of the town's top musicians, how to beat the draft. Down San Pedro way the U. S. Marines would welcome their enlistment as bandmen, so they were told and so they joined up. It was one of those hitches where the tooters had to show up only once every two weeks for practice. That, the head schemer informed them, would not interfere with their work in town and at the same time put them in the service, impervious to conscript. Last week the boys with the horns got the jolt of their lives. An official communique came through from Washington ordering the band to Panama for nine months.

Benny Goodman's Negro Talent

Adds Cootie Williams From Ellington—Earl Hines Another Possibility

Benny Goodman last week signed Cootie Williams, standout trumpet player, with Duke Ellington, to be a specialist in his brass section. Contract runs for 52 weeks at \$200 per week with Williams remaining with Ellington for another week. He turned in a two weeks notice Thursday (17).

Williams has been with Ellington for at least 13 years having been a member of that band when it played its first Cotton Club in 1927. With Goodman he'll join Bernie Layton, piano, from Raymond Scott; Harry Jaeger, drums, from Ben Pollack and Red Nichols; Sam Donahue, sax, from Jan Savitt; Gus Bivona, sax and clarinet, who recently gave up his own band; Artie Bernstein, base, and Charlie Christians, guitar, both former B.G. members. Earl Hines, colored pianist who recently gave up his own band, is a possibility, instead of Teddy Wilson, who remains with his own group at Cafe Society, N. Y.

Goodman's longhair work is widening. Beside scheduled dates at Carnegie Hall, N. Y., Dec. 12 and 13 he'll do another with the Rochester Philharmonic Nov. 17.

COAST SCRIPT DEPT. SHIFTS

Widespread series of shifts in story departments and literary end of agencies is taking place on the Coast. Most important is addition of Richard Halliday, until recently story editor of Paramount, first in New York and then at the studio, to the staff of Frank Vincent, Inc. (formerly Edington-Vincent). He replaces Ned Brown, who is striking out for himself. Julian C. Blaustein, Halliday's assistant at Par, has already stepped up to the latter's place at the studio.

Mary Baker, head of the literary department of Sam Jaffe, Ltd., on the Coast, has quit to join her husband, Melville Baker, playwright and scenarist, in the east. Milton Beecher, assistant to Kenneth McKenna in Metro's studio story department, has resigned to take Mrs. Baker's place. And Dave Matthews, to complete the checkerboarding, has joined Metro in Beecher's spot. Matthews is former head of Warner Bros. Coast story department.

MCA Cold to DeSylva's Yen for Dance Team

Rosario and Antonio, highly touted Spanish dancers at the Waldorf-Astoria, N. Y., are wanted by Buddy DeSylva for "Bambaleo." Hattie and may yet fly up to Boston today (Wed.) to slip into a matinee performance, returning by plane to the N. Y. hostelry. However, Music Corp. of America is lukewarm to the production bid, having extensive cafe plans for their imported terps. Another factor, which may influence an about-face, is Carol Bruce, who, while not handled by MCA (she has her own personal manager, in fact several of them), may upset MCA's other clients. She doubles into Ben Bernie's radio show and also into the Waldorf, where Eddy Duchin and the dancers are MCA clients. Spot also is more or less exclusively booked via MCA, and DeSylva's yanking her from both would upset two situations. Legit producer objects to the songstress doubling from "Louisiana Purchase,"

IT'S ALL THE SAME TO MARK HELLINGER

Mark Hellinger, returning last week for his first visit in three years to Broadway, of which he was once so much a part, summed up the changes in a bigger Monday (21) after weekending in the old joints: "Same signs, same number of bulbs, different advertisers."

Warner Bros. producer, who still writes a Sunday page for the New York Journal-American, returns to the Coast on Nov. 3. His next assignment to go into work will probably be "The Fabulous 30s," more or less a sequel to "Roaring 20s," which he wrote and produced. One of two other stories in preparation may be slipped first, however, he said. They are "Affectionately Yours" with Errol Flynn and "The Dealer's Name Was George" with George Raft.

Hellinger disclosed a much-changed attitude toward Hollywood from that when he left New York. "I was one of those wise newspaper guys then who thought, nobody in pictures knew what he was doing. I've found out different. The film industry is just like any other, only everything's bigger."

Producer declared he thinks the reason many newspapermen go to Hollywood and fail to click is that they are not properly apprenticed when they arrive. They are too likely to be handed a writing job without having any knowledge of the special technique involved in screen scribbling, he said. Hellinger asserted he felt himself particularly lucky on this score because he was given an opportunity to work on 10 "B" pictures, whose association with Bryan Foy before being handed his first big assignment.

Metro's New Family

Hollywood, Oct. 22.

Metro is starting a new family series, "Keeping Company," with Ann Rutherford and John Shelton in the leads and Frank Morgan and Irene Rich supporting.

Morgan is bicycling around the lot, with other roles in "The Wild Man of Borneo" and "Ziegfeld Girl."

HARRY FENDER PREFERS TO REMAIN POLICEMAN

St. Louis, Oct. 22.

Harry Fender, who tossed overboard a stage career for that of a cop and who has been upped from a motorcycle stint to that of a detective-sergeant, last week took another step upward when he was assigned to head the gambling squad. Joining the local constabulary in 1931 as a probationary at \$155 per month, Fender is now dragging down \$215 per month against the \$1,500 per week he got on Broadway.

He has thumbed down numerous offers to return to the stage and also to enter radio. Recently Eddie Cantor passed through this burg and invited Fender to join him on the west coast. The Columbia Broadcasting Co. also made offers to Fender for gabbing and acting stints. The Anthony Drexel Biddles, who backed Fender in several Broadway shows, recently visited him here. Fender said he has no urge to return to the boards.

Now 41, Fender tips the beam at 210 pounds, as against the 135 he weighed when a breakdown forced him to leave the stage. A vigorous campaign is being made against the numbers racket here, and Fender's current assignment is considered one of the most important in the department.

Fontanne 'White Cliffs' Repeats Sunday (27)

Lynn Fontanne will repeat her broadcast of Alice Duer Miller's poem, "White Cliffs of England," over NBC-blue (WJZ) at 8-830 next Sunday night (27). Her husband, Alfred Lunt, will again introduce her, and Frank Black will repeat his original background music. Same show was done over the network two weeks ago, drawing enthusiastic response.

Lunts, currently playing the leads in Robert E. Sherwood's "There Shall Be No Night," at the Alvin, N. Y., go on tour with the play at the end of next week. There is no chance of any radio series deal for them until the completion of that tour. However, their radio agent, Leggett Brown, is talking a deal for them to do a series of Sunday night programs next spring. Idea would be for them to have complete say over material, adaptation, casting and production. They have always refused to do any stage plays that did not include parts for the regular members of their company, so the expectation is that Richard Whort, Sydney Greenstreet and others of the troupe would play in any programs the acting pair might do.

Talk of the Lunts doing a Friday night series for Campbell's soup is apparently cold. Pair made their radio debut some months ago on a Red Cross broadcast. The "White Cliffs" piece was their second appearance on the air.

O'KEEFE GETS SKYCHASER BILLING

Busy bee of the airways last week was Walter O'Keefe, M's popping in and out of La Guardia Field (N. Y.) meant anything. He climbed aboard American Airlines' Night Owl at 12:45 a.m. Tuesday (15) for Chicago and there he kited off to St. Louis. That trip was made in connection with the m.c.'s mike-doctoring of the Wendell Willkie campaign.

He got back to New York somehow, for on Friday (18) he and Dwight Deere Wiman headed a (Continued on page 53)

JUST IN CASE

San Francisco, Oct. 22. Maj. Arthur McChrystal, who operated the "Ice Frolies" at the Frisco Expo this summer, was due in London today (Tuesday) to assume his new duties as assistant military attaché to the Court of St. James. Made out his will before leaving Frisco.

L. A. to N. Y.

John Murray Anderson.
Earl Carroll.
George Colours.
Arthur Freed.
Joseph Friedman.
Leo Jaffe.
Sidney R. Kent.
Kay Kyser.
Curtis Mick.
William Mills.
Robert Montgomery.
Jack Peggy.
Harry Perry.
James Roosevelt.
Louis K. Sidney.
Ginny Simms.
Robert Sisk.
Everett Sloane.
Charles Vidor.

N. Y. to L. A.

Eva Baracay.
Douglas Fairbanks, Jr.
Paulette Goddard.
Billy Grady.
Jack Oakie.
George Raft.
Max Siegel.
Hubbell Robinson, Jr.

SAILINGS

Oct. 18 (West Indies cruise)
George and Mrs. Zachary (Marion Shockley) (Santa Rosa)
Oct. 17 (Los Angeles to Sydney)
Noel Coward (Monterey).

THE BERLE-ING POINT

By Milton Berle

Writing this column in bed. Am ill—took sick lessons from Madame La Grippe. Temperature was so high that my insurance man fainted. Over my bed is a sign, "Please refrain from making any nurse."

Louis Sobol was one of my visitors. Asked Sobol if he read my column. He said, "Yeh—are you saving your money?" I wonder what he meant???? (He'll hear from my attorney—as soon as my attorney gets out of law school.)

Lindy's restaurant was very nice to me. Leo sent over some elegant chicken in typical Lindy style—silver fox tablecloths and mink napkins. This column is really making me famous. The doorman at the Stork now calls me by my first name.

My brother writes plays nobody will produce, songs nobody will sing and checks nobody will cash.

Broadway Dept.

Eddie (ex-cabbie) Davis is writing a play—and Broadway Rose is helping him with the spelling.

Asked the headwaiter in a 52d street night spot where the washroom was. He said, "Don't look now—but you're in it." (Great night club—no cover charge if you argue.)

Over to the premiere of the Charlie Chaplin picture at the Capitol. H. G. Wells, Paulette Goddard, Charlie Chaplin, Jack Oakie, Al Smith and thousands of others. There were so many celebrities that you couldn't get in unless you were a member of Screen Actors Guild. The lobby was so crowded that everybody had to breathe in unison.

At 21, Joan Crawford says to a friend, "I just saw your wife with a new hat." The friend replies, "That's not a new hat—that's a new wife."

Jack White's Club 18 is still operating on Daylight Saving Time—but the gags are standard. (Which reminds me of a funny joke, and I wish I could think of it.)

Over to the Lyceum, where the marquee reads, "George Washington Slept Here," and you can take it from me, so did many other shows.

Al Jolson is jealous of my new nose—so he's having his knees bobbed.

Hollywoodiana

Jack Oakie in town with his manager, Morris Small. Oakie says that before he left the Coast he saw a preview of a picture so bad that they should have held the picture and released the stars.

Last time I was in Hollywood, I went around the golf course with Ann Sheridan—boy, were her clubs heavy!

Definition of a Hollywood marriage: Mumble a few words in church and you're married; mumble a few words in your sleep and you're divorced.

My last trip to California was for a rest. I met a blonde on the train—and you know the rest.

Music Dept.

Rocco Vocce says songs are being written today that haven't been written for hundreds of years.

Barry Wood is worried about being called in the draft—because the Army band hasn't got a fiddle section.

If Irving and Jack Mills take charge of the draft, my number will be on the shelf for years.

Radio Dept.

Heard a bandleader on the air the other night who played medley of his cut-ins.

No truth to the report that Howard and Shelton are going off the beach because their material is too sophisticated.

Visited by a radio producer who picks up my temperature chart and says, "Hmmm—your Crossley was never this high!"

Musical Ransall Descriptions

Ned Sperry: I'll Never Smile Again. Healy Marr: That's for Me. Henry Youngman: The Same Old Story. Peggy Hopkins Joyce: Practice Makes Perfect. Paul Smith: Hit The Road. Broadway Rose: The Kind Of A Girl That Men Forget. Sam Lyons and Louis Shurr: Trade Winds.

Observation Dept.

Two gag-men were arguing in Lindy's. Said one to the other, as a topper, "Do me a favor—go to your files and get an exit line."

The office of a smalltime agent in the Strand Bldg. caught on fire. The agent leaned out of the window and yelled, "I'm going to jump. Catch me! Catch me!" One of his acts looked up and yelled, "Why should I? You didn't catch me at the Dyker in Brooklyn last week!"

Eavesdropped at Club Cuba: "Who—her? She was in a terrible accident—she was having her face lifted and the derrick broke."

Eavesdropped at La Conga: "They're going to show his pictures in prisons instead of capital punishment."

All the ladies are wearing those jewelled red, white and blue flags. Martha Raye stopped in at Cartier's to ask if they came in any other colors to match her outfit.

Whatever Became Of—???

Worth Wayton Four
Adler & Dunbar
Lexey & O'Connor

Afterpiece

All characters mentioned in this column are purely fictitious and have nothing to do.

Draft Affects 2,000 Of 20,000 Film Workers

Hollywood, Oct. 22. Only 2,000 out of the approximate 20,000 workers in the picture industry were required to register under the conscription act.

Small percentage called for war duty does away with the fear of a shortage of technical workers.

FESSIER'S SABBATICAL

B'Way Play, Fiction and Still Another Play

Michael Fessier, writer and producer at Metro and Warner Bros. for the past six years, has taken leave of Hollywood indefinitely, he said on his arrival in New York last week. He brought with him a play he recently completed, "The Tree in the Forest," and is talking deals for its production on Broadway.

He also has a number of completed short stories and several others he is working on, in addition to another play, "Oliver Horton," on which he is collaborating with Norman Matson, brother of his agent, Hal Matson.

CAMPAIGN TO MAKE BIG CITIES AUTRY-MINDED

Hollywood, Oct. 22. Republic is putting a heavy ballhoo for Gene Autry with the idea of promoting the western star in big cities. First part of the build-up is the Autry appearance in the rodeo in Madison Square Garden. Following the New York venture, Autry is slated for Boston and Toronto.

Campaign coincides with the release of "Melody Ranch." If it clicks, future Autry pictures will be produced on a larger scale with upped budgets.

Blame It on the Draft

San Francisco, Oct. 22. Exhibs here reporting no reaction from last week's draft registration, but other lines of biz are beginning to feel first effects.

Widespread reaction among eligibles is to abstain from buying new suits, investing in cars, etc., until after numbers are drawn. As one expressed it, "Why should I buy a new suit when I may never have a chance to wear it?"

\$12,500,000 FROM ENGLAND

Democrats Pay Thousands of Dollars In Rebates For Displaced Talent

National Democratic Committee has begun to run into some heavy talent rebate bills. In taking over the 9 to 10 stretch on the NBC-red and CBS tonight (Wednesday) for political speeches by President Roosevelt and Attorney General Robert Jackson it committed itself to pay not only for the extensive cross-country hookups but the payroll of the Eddie Cantor and Fred Allen shows, plus 'Mr. District Attorney' which follows Cantor. The Allen show's payroll totals slightly over \$14,000, whereas Cantor gets \$10,000 and the cost of 'Mr. D. A.' is \$3,500. Because of previous Republican commitments Mutual will take these speeches off on platters and rebroadcast them tomorrow night (Thursday).

Next talent bite for the Democratic committee occurs Monday (28) when the President broadcasts from Madison Square Garden, N. Y., between 10 and 11 p. m. The NBC red and blue lines are also confirmed for the event and an attempt is being made to line up CBS. If the latter booking goes through the Democratic Committee will have to make talent rebates on the Contended Milk program (NBC-Red) and on Lady Esther's Guy Lombardo show (CBS), the salaries figured at around \$8,500 in twos.

The President's broadcast from Cleveland Saturday, Nov. 2, from 9 to 10 p. m., will take Lucky Strike's Hit Parade (CBS) and Alka Seltzer's Barn Dance (NBC-red) off the air. Talent cost of these two stanzas jointly is \$7,000.

AHERNES (FONTAINE) UNCERTAIN ON PLANS

Brian Aherne and Joan Fontaine (Mrs. Aherne), currently vacationing in New York, intend to plane to the Coast in about a week or 10 days. Neither is set for any pictures. Miss Fontaine is under contract to David O. Selznick, but has not been well for some time and is not yet ready to resume work. Aherne, a freelancer, has no commitments. He would like to return to the stage.

Couple have been on an extended trip through New England, during which they visited Katharine Cornell and James Cagney at their places at Martha's Vineyard and Bette Davis at her farm in New Hampshire. They also did some fishing and flying. Aherne guested Friday night (18) on the Kale Smith program.

'Paul Jones' Beached To Avoid Wrong Impression

Hollywood, Oct. 22. 'The Life of Paul Jones' has been shelved by Warners for international reasons. Studio felt in these days it might be construed as anti-British, with Jones knocking off the Royal Navy in the English Channel. Picture was slated as a starrer for James Cagney.

Olivier's Status Balks Pic

Hollywood, Oct. 22. Start of 'Man Hunt' at 20th-Fox has been delayed until January, by which time Laurence Olivier will know whether he is a British soldier or a Hollywood actor.

Story was originally 'Rogue Male,' written as a magazine serial by the British author, Geoffrey Household.

Three On a Marquee

Hollywood, Oct. 22. Robert Preston draws top billing with Fred MacMurray and Mary Martin in 'New York Town' at Paramount.

Anthony Veiller produces and Charles Vidor directs.

Art Lover Billy Rose

Art dealers in New York have considerable respect for collector Billy Rose, who admits, 'as soon as they see a little guy with a fat stomach who owns a water show coming to buy pictures, they think they have a sucker.' Dealers' fave story about him is one he tells on himself.

'I go in to look at a painting and the guy drapes a couple yards of velvet around it, switches on his single spotlight and thinks he's impressing me. I don't even think about a show before I have 2,000 yards of velvet and 300 spots. Who they kidding?'

N. Y. FAIR'S BIG DOIN'S IN ITS FINAL WEEK

New York's \$180,000,000 show winds up its second year Sunday, (27) with present indications that \$44,000,000 will have paid their way into the exposition by then. Big weekend biz last Saturday-Sunday, despite frigid weather, appears to assure \$18,000,000 paid attendance or better for 1940.

Eddie Cantor has charge of the final ceremonies, dubbed 'World's Fair-well' day. Show business celebs will vie with city, state and government officials in the last day's program. Cantor will launch most of the closing ceremonies in the Court of Peace but exact details have not been set.

Main ceremonies of ASCAP day tomorrow (Thursday) will be staged in the Hall of Music, arrangements (Continued on page 47)

Air Comics Peeved At Spread of Ducats To Same Cold Audience

Hollywood, Oct. 22. That old gag about 'there must be people out there, I can hear breathing' has set some of the radio comics to thinking. What's percolating through their noggin is the sad abuse of ducat distribution and what can be done about it. Say most of the funny fellows, the same faces peer up at them week in and out and they (the ticket grabbers) have become so hardened to comedy routines that they merely snicker knowingly rather than let go from the belt line.

What the zanays would like to know is how come the Oakleys fall into the same hands every week. They claim many thousands would like to sit in on a studio broadcast if they knew how or where to get the ducats. Distribution here is from three sources, the network, agency and sponsor.

Unless something is done about it the comics threaten to do a little blabbing on their programs on how to get the skulls. Some say they will demand a block of tickets each week and handle the distribution in their own way. Whether or not it is an improvement over the present system, they say, at least it will bring new people into the studio.

Comics claim a cold audience works two hardships on them. It affects their own spirits and puts a damper on the dialers. If the studio mob doesn't laugh the home listeners will react similarly, they deduce.

Ducat distributors say they're doing the best they know how and if the comics have a better system they're willing to give it a whirl.

IT'S A CUT FROM \$17,500,000 NOW

New 12-Month Period Starting Nov. 1 Would Limit U. S. Dollar Export to \$12,500,000, and an Equal Amount Frozen in Britain

U'S SEPARATE DEAL

The coin freeze proposition in Great Britain is up again. American film companies would be permitted to take \$12,500,000 out during the 12-month period starting Nov. 1 next if present tentative plans carry, according to latest word from London. U. S. distributors have been allowed to take out \$17,500,000 during the year ending Oct. 31, with an equal amount frozen in Great Britain. Amount remittable to this country has been in dollars.

Understood that \$12,500,000 is the sum suggested by the British government but American distributors are striving to get some amount closer to that allowed during the past 12-month period. The \$17,500,000 was figured for seven majors, Universal having a separate deal which would bring up the total to about \$19,000,000.

F. W. Allport, Hays office representative in London, is heading negotiations for the American industry.

Film company foreign managers huddled at the Hays office yesterday (Tues.) on latest developments in England regarding next year's coin freeze.

KENNEDY WILL REPORT ON PIX BIZ ALSO

Joseph P. Kennedy, U. S. ambassador to England, is expected to Clipper in from Europe in the next two weeks, in order to report direct to American government officials on new developments in Great Britain. He also is expected to bring a complete summary of the latest in the negotiations of U. S. distributors to receive money from their film business on the British Isles during the next 12 months.

One-year agreement, whereby \$17,500,000 was allowed for withdrawal from Britain by seven American companies, expires, Oct. 31.

Kennedy's arrival before the Presidential election is forecast in politico circles as indicating that he is in line for a higher government post, probably the president's cabinet if F. D. R. is reelected.

\$250,000 'LONE RANGER' SUIT COMES UP OCT. 28

Spartanburg, S. C., Oct. 22. The \$250,000 suit filed by Lone Ranger, Inc., Detroit, against Lee Powell, 'The Lone Ranger' in the Republic's serial picture, and allegedly thus billed in Wallace Bros. Circus during tour recently closed, has been transferred from 13th South Carolina circuit common pleas docket to western S. C. district equity calendar and will be called for trial week of Oct. 28 at Greenville, S. C. James D. Poag, of plaintiff's counsel, states.

Circuit Judge G. B. Green, who in September signed an order requiring defendants, C. C. Cox, doing business as Wallace Bros. circus and Powell Shows, to show cause why he should not be enjoined from making improper use of the name, 'The Lone Ranger,' has ended his jurisdiction in the litigation, Federal Judge C. C. (Continued on page 45)

German Picture House in Yorkville Passes the Hat for Nazi Winter War Relief; Hitler a Popular Kid

Come What May

London, Oct. 8. The Coliseum here is billing its forthcoming annual pantomime production, usually played here during Christmas week. The date is Dec. 23--and book now.

It's the bravest thing in print around these parts.

JOCK WHITNEY'S SO. AMERICAN FILM SWAY

Washington, Oct. 22. Promotion of international friendship via the cinema will be directed by John Hay (Jock) Whitney. Open-handed backer of shows, films, stunts, etc., has been named director of the division of motion pictures on the staff of Nelson A. Rockefeller, supervising cultural relations with Latin America.

Socialite will be a \$1-a-year man under the immediate direction of James W. Young, former director of the Commerce Department's bureau of foreign and domestic commerce and once with J. Walter Thompson agency. Young has charge of all communications, press and film matters.

Pair of appointments should mean an end to the pointlessness—and often fantastic—talk about fertilizing the South American market for American-made films. For the last two years, State Department dreamers and some Commerce Department idealists have forecast repeatedly the (Continued on page 45)

Alexander Woolcott Has Doc's Okay for Return; Set for Radio Questing

Alexander Woolcott, who does a one-man show Oct. 30 on 'Cavalcade of America,' will make a number of guest appearances on other programs this winter, according to Leggett Brown, his agent. Writer-actor has been given an okay by his physician, after having been forced to refuse all stage and lecture work for some months because of ill health. He is described as about 50 pounds lighter.

Day after the 'Cavalcade' show, Nov. 1 Woolcott will do a political broadcast, supporting President Roosevelt for a third term. He may do a commercial radio series starting next spring, but will not resume acting in a road company of 'The Man Who Came to Dinner,' which Kaufman and Hart wrote as a vehicle for him.

McAvity Weds Helen Mack

Hollywood, Oct. 22. Tom McAvity will marry Helen Mack, film actress, this week. He is due to go east to take up a new post as radio head of Lord & Thomas agency.

20th Inks Oakie for 3

Hollywood, Oct. 22. Jack Oakie inked a contract to play in three more pictures for 20th-Fox, following his recent work in 'Tin Pan Alley.' His next will be 'Tall, Dark and Handsome,' slated to start about Nov. 15.

America's tradition for allowing the foes within its borders to speak their piece unhampered is being strained to the breaking point in Manhattan's nazified Yorkville. The 96th St. theatre there, after 13 big weeks of a bombastic and much-publicized newsreel compilation called 'Blitzkrieg in Poland,' replaced it last Friday (18) with an even more liberal chunk of propaganda.


Newcomer tagged 'D III 88' Made by Tobis in Berlin, its subtitled 'The German Air Force Attacks' and 'Extolling the German Flier.' While 'Blitzkrieg in Poland' at least masked under the general category of newsreel, 'D III 88' makes no pretences. It's a fictionalized story of Hitler's Luftwaffe, frankly designed to impress on audiences not only the service's might, but the never-say-die spirit of its pilots.

Fortunately, it's the dullest 90 minutes of film seen anywhere in a long time and even the rabid Yorkvillians will have trouble staying awake through the much talk and very little action. Goebbels was apparently so busy in his propaganda (Continued on page 55)

99-DEGREE HEAT SLOWS H'WOOD PRODUCTION

Hollywood, Oct. 22. Too much California sunshine slowed up production in the Hollywood studios and caused thespians in the San Fernando Valley plants to seek shelter from the superheated rays.

Officially the thermometer registered 99 degrees, the hottest October day in 20 years. Down on the streets it was much hotter, and out in the Valley the boys were bragging that their thermometers soared out of bounds.



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Chaplin Rebuttal to Critics

Continued from page 1

ceived notion of what I was going to do, based on what they had seen in the past. They had a groove all planned for me and I didn't fall into it. I felt I had to do something different because times are different. There are grave things happening in the world and I wanted, in my way, to reflect them. I don't pretend to be a propagandist, but I felt I must cry out against persecution.

Big B.O. Tells Story

Meantime, despite critical opinions, lengthy queues surrounded both the Astor and Capitol, N. Y., and 'The Great Dictator' is playing to big business at both houses. That's proof, Chaplin is convinced, that the average man feels as he does. Another phenomenon saw critics, apparently after letting their tongues on the film, come maturing, write Sunday columns in praise of the Chaplin effort they had lambasted, more or less, earlier in the week.

On the point of turning 'The Dictator' over in one's mind after the first reaction, Chaplin remarked: "Seeing it two or three times you'll find many more points than you think—I shouldn't say this myself—that are damned good."

Chaplin spoke forcefully, almost always good-naturedly, frequently turning to a combination of words and the pantomime in which he excels to make his point. Sparkling clearly through every thought persists the feeling that Chaplin's humanitarianism is his heart for his fellow-man—is what makes him great.

"We get so involved," he declared, "in the mechanics and terms of politics and government, in talking about Fascism or Communism or democracy, that we fail to remember the very basis of all life—kindness and helpfulness and consideration for the other fellow."

Asks Critics' Collab

The producer-director-writer-actor spoke with a curious mixture of humbleness and the blazing conviction that he is right, his critics wrong, on all but one point, the picture's length. He said he thinks he has culled from it every possible bit of footage without removing whole sequences. He's anxious, he averred, to cut more if he can be shown how it can be done. He'd like to have the critics help.

Principal squawk of the newspaper o.o.s., as well as many laymen, was Chaplin's peroration at the end on liberty, when the meek, little barber, mistaken for the dictator, is pushed before a tremendous audience of triumphant soldiers and conquered civilians and must make a speech. (See text of the address in adjoining column; in the film it runs six minutes).

"There have been objections," he asserted, "that the speech was not in keeping with general practices of 'good' motion picture making. I don't agree. Others have complained that it is out of character. I don't agree on that either. It is not as unbelievable as they think to have the meek barber make such a speech. I could have finished it with a cliché, but that would have been still harder to believe. I could have had him triumphant, but that wouldn't have been true to life. I could have had him kick the storm troopers out of his way and escape, then showed him with Paulette Goddard in the setting sun, approaching America, the land of freedom and hope. But if you want to get on the subject of credulity, then they'd have the Immigration authorities to deal with before they got into America."

Plausible Pulpit Speech

"It seems entirely conceivable to me that the little barber, pushed into the position he was, could have made the speech he did. It was all the pent-up emotion resulting from the persecution he and those he loved had been subjected to. He was in a stage where he was semi-hypnotized by the situation. He was no longer the barber, nor was he the dictator, nor was he me. He was a combination of all three."

"As for the speech itself, I tried it out on an old seaman, and it had him virtually in tears. I knew if it had that effect on most other people."

"The subject is too grim, the dictators too serious a menace at which to laugh, has been frequently mentioned since long before anyone but Chaplin's own staff had seen the picture."

"If the subject is grim, it's because life itself is grim," the greying little

man declared. "The world isn't a pleasant place in all its aspects, and there's no reason to make it appear that way in a picture. Furthermore, what critics forget is that I try to create enjoyment by creating emotions. I have never limited myself to the single emotion of laughter. I have attempted to stir up all sorts of emotions. The more varied the ones I create, the more enjoyable the picture."

'Communist'

Squawks have cropped up, too, that Chaplin is 'communist.' If he spans Hitler and Mussolini, he has been queried, why doesn't he take in the third dictator, Stalin? He answers that:

"I'm not working in the political arena. I'm working in the human arena. I'm not arguing political ideologies, but humanities. Had I included Stalin I would have surely been getting into politics because there was no reason to include him from the standpoint I was taking. He may be a dictator, but he's not persecuting helpless people because they are Jewish, or Chinese, or Mohammedan, because he doesn't like the shape of their eyebrows. Had Stalin been doing such things, he would have been included. I'm completely for the democratic way of life as it is lived in America and England. I want that clear."

"That the production is 'old-fashioned' in which technique is another point to which Chaplin will allow his critics no leeway."

Not 'Old-Fashioned'

"They mistake straightforward story telling, without pretentiousness, without phinness, for old-fashionedness," he declared. "My aim is to tell the story in the simplest possible way as far as mechanics go. I can direct a lens up an actor's nose. That's easy. But that's not new-fashioned technique. For as soon as the spectator becomes aware of the angle of the camera, or that there is a camera at all, the director has dropped his audience from the imaginary wave it was riding into reality. He has lost them."

"Before critics begin to mention technique, they should talk to someone who knows about it. They should ask directors who have seen the picture. It is from them I have received more sincere praise than from anywhere else. Analysis will show that there is every known modern technique in this picture at one point or another. As soon as critics begin to talk about technique they reveal how much they don't know. Because the technique is not apparent adds so much to the picture, doesn't make it old-fashioned."

"It's been suggested that perhaps in his one-sided role in writing the script, Chaplin was too close to the picture to see its shortcomings. Why didn't you have outsiders in to give opinions, he was asked."

"I did have a number of people see it," he revealed. "I also showed it to my Japanese butler. His opinion on such things is typical. And he liked it, so I knew it was all right."

MUSICALS FOR NAME PLAYERS AT 20-FOX

Hollywood, Oct. 22.

Jane Withers goes into a full-scale musical picture this winter at 20th-Fox, tentatively titled 'Coast-to-Coast.' It will be her first regular musical, although there have been time sequences in previous Withers films.

Idea is in-line with the Westwood studio's move to bring out their name players in musical shows for the 1940-41 program.

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Chaplin Shortwaved

Charlie Chaplin's plea for the return of world sanity, which is the concluding speech to audiences at showings of 'The Great Dictator,' was broadcast over shortwave yesterday (Tues.) to South American radio stations. Broadcast in both Spanish and Portuguese was sent over the NBC shortwave twins, W3XL and W3XAL, as the highlight of the weekly film chat from these stations.

The Chaplin message is spoken out of character, with vehement sincerity. It is the subject of much debate in the trade and among the general public. With Chaplin's permission, Variety publishes the full text herewith.

BIG U. S. TAXES FOR SEPT. CUE AMUS. SPURT

Washington, Oct. 22.

Combination of swelling business and broader tax base has poured into the U. S. Treasury from the admissions levy as much money in the last two months as was garnered in six stanzas last year. Rising tide of amusement grosses is seen in the latest revenue figures showing the 10% boxoffice tap brought \$5,851,655 during September.

The August trade, on which the tax payments were based, obviously jumped markedly. Previous month's Treasury collections were \$4,407,097, so the gain of \$1,444,558 indicates roughly a \$90,000,000 jump in the turnstile count over July grosses.

Due to moving the starting point of the 10% bite down to 21c, the Government's share of the public's outlay for diversion was \$3,000,300 more than the total collected in the same inning of 1939. August payments were \$2,893,649 more than in the comparable period of the preceding year.

Great value of the 21-40c bracket to the Treasury is clearly shown by the \$23,078,742 total raked in during the first nine months of the year. In the same portion of 1939, the collections amounted to \$14,060,198. Most important evidence is the fact that the August and September payments were \$10,258,752. Last year a \$10,000,000 level was not reached until July, while back in 1935 it took over eight months to get to this point.

As far as the Government is concerned, the usual seasonal trend is being followed. In each of the last six years, there has been a gain in the September collections over those for August, but this year, although accurate comparisons cannot be made because the tax base has been changed—the degree of improvement seems greater.

ZaSu Pitts' Whodunit

Los Angeles, Oct. 22.

ZaSu Pitts gets the femme lead in 'Our First Murder,' a stage whodunit to be produced here next month by Russell Lewis.

Play is being written by Robert Preshel from a novel by Torrey Chansler.

P.S. FOR 'LETTER'

Hollywood, Oct. 22.

Bette Davis, back from her eastern vacation, resumed work on added scenes for 'The Letter,' the last picture she made at Warners before her New England siesta.

Working with the star on the new sequences were Herbert Marshall and James Stephenson, with William Wyler directing.

Charlie Chaplin's Concluding Speech In 'The Great Dictator'

I'm sorry, but I don't want to be an emperor. That's not my business. I don't want to rule or conquer anyone. I should like to help everyone—if possible—Jew, Gentile—black man—white.

We all want to help one another. Human beings are like that. We want to live by each other's happiness—not by each other's misery. We don't want to hate and despise one another. In this world there is room for everyone. And the good earth is rich and can provide for everyone. The way of life can be free and beautiful, but we have lost the way. Greed has poisoned men's souls—has barricaded the world with hate—has goosestepped us into misery and bloodshed. We have developed speed, but we have shut ourselves in. Machinery that gives abundance has left us in want. Our knowledge has made us cynical. Our cleverness, hard and unkind. We think too much and feel too little. More than machinery we need humanity. More than cleverness we need kindness and gentleness. Without these qualities, life will be violent and all will be lost.

The aeroplane and the radio have brought us closer together. The very nature of these inventions cries out for the goodness in man—cries out for universal brotherhood—for the unity of us all. Even now, my voice is reaching millions throughout the world—millions of despairing men, women and little children—victims of a system that makes men torture and imprison innocent people. To those who can hear me, I say—do not despair. The misery that has come upon us is but the passing of greed—the bitterness of men who fear the way of human progress. The hate of men will pass, and dictators die, and the power they took from the people will return to the people. And so long as men die, liberty will never perish.

Soldiers! Don't give yourselves to these brutes—men who despise you—enslave you—regiment your lives—tell you what to do—what to think and what to feel. Who drill you—diet you—treat you like cattle and use you as cannon fodder. Don't give yourselves to these unnatural men—machine men with machine minds and machine hearts! You are not machines! You are men! You have the love of humanity in your hearts! Don't hate! Only the unloved hate—the unloved and the unnatural!

Soldiers! Don't fight for slavery! Fight for liberty! In the 17th Chapter of St. Luke, it is written: 'The Kingdom of God is within man.' Not in one man, nor in a group of men, but in all men. In you! You, the people have the power—the power to create machines. The power to create happiness! You, the people, have the power to make this life free and beautiful—to make this life a wonderful adventure. Then—in the name of democracy—let us use that power—let us unite. Let us fight for a new world—a decent world that will give men a chance to work—that will give youth a future and old age a security.

By the promise of these things, brutes have risen to power. But they lied! They do not fulfill that promise. They never will! Dictators freed themselves but they enslaved the people! Now let us fight to free the world—to do away with national barriers—to do away with greed, with hate and intolerance. Let us fight for a world of reason—a world where science—where progress will lead to the happiness of us all. Soldiers! In the name of democracy, let us unite!

Hannah, can you hear me? Wherever you are, look up! Look up, Hannah! The clouds are lifting! The sun is breaking through! We are coming out of the darkness into the light! We are coming into a new world—a kinder world, where men will rise above their greed, their hate and their brutality. Look up, Hannah! The soul of man has been given wings and at last, he is flying! He is flying into the rainbow—to the light of hope—to you—to me—and to all of us! Look up, Hannah! Look up! [Paulette Goddard plays the role of Hannah.]

'CAPT.' FINDS A B'WAY HOME BUT NOT YET 'KIT'

Opening of 'Captain Caution,' Hal Roach production, at the Globe, N. Y., this week has relieved United Artists of one of two films which have been giving the distrib outfit a headache while lingering on its shelves for two months clamoring for a Broadway date. Second picture is 'Kit Carson,' turned out for UA release by Edward Small.

'Caution' was set down on the release schedule for Aug. 9 and opened at the Globe on Oct. 18. 'Carson' was nationally released Aug. 28, after a tremendous opening in Denver to which press and stars had flocked, and still has not found a Broadway market. Both pictures have already wide-scale exhibition throughout the country.

Plan has been afoot by Jake Milstein, Small's eastern rep, in confabs with Loew's, to open 'Carson' simultaneously at the State on Broadway and at a dozen or so other Loew houses, which ordinarily play day-and-date with the second run State or immediately follow it. Same plan was used with a somewhat similar picture, Universal's 'When the Daltons Rode' and last week, 'Argentine Nights,' and worked out fairly satisfactorily.

Even greater than usual pressure this year by high-powered pictures, which all companies endeavor to release at the beginning of the season, has caused a shortage of houses available for first-runs. That is what has been responsible for the holdup on the two UA pix.

Classics On Celluloid

Hollywood, Oct. 22.

New production outfit, Arlington Films, Inc., has been organized to make a series of pictures based on musical masterpieces and the events leading up to their creation. Officials of the corporation are Slavko Vorkapich, Karl Hajo and Herbert T. Silverberg.

HELLMAN'S CHORE

Hollywood, Oct. 22.

Sam Hellman drew the scripting assignment on 'The Black Swan' at 20th-Fox.

Story is by Rafael Sabatini.

PAR WILL FIGHT P.A. BAN ON 'FLAMES'

Paramount will fight the Pennsylvania censorship ban against its 'World in Flames,' even if it has to take the case to the highest courts of the country. Neil F. Agnew, v. p. in charge of distribution, makes this promise in an official statement on the matter in which he expresses amazement and astonishment at the action of the Pennsylvania censors.

Citing that it was the judgement of the board this picture has a tendency to corrupt and debase morals and it is not proper, Agnew points to the Washington opening attended by high Government officials and approval of picture by such national defense leaders as William Allen White.

Pa.'s Encore

Philadelphia, Oct. 22.

The Pennsylvania Board of Censors stayed in character last Friday (18) as it ordered a ban on the showing of Par's 'World in Flames.' Flawing next to the heels on the thousand-dollar treatment of RKO's 'Ramparts We Watch,' the Pennsy pic ganderers again brought down a storm of criticism from press, public and film industry. The board's reason for banning 'Flames' was similar to that given for the 'Ramparts,' ruling it 'has a tendency to corrupt and debase morals and is not proper.'

Neil F. Agnew, v. p. in charge of distribution for Par, released statements of Secretary of War Henry Stimson and Secretary of Navy Frank Knox approving the picture.

ALBERT'S HERO STUFF

Hollywood, Oct. 22.

Eddie Albert's next chore at Waters is in 'The Stuff of Heroes,' slated to star next to him with Priscilla Lane in the femme lead. Ben Stoltoff is directing, from script by Ben Markson.

DECREE GOING THROUGH

ANOTHER PIX MILESTONE

The constant progress of the motion picture as an art and an industry is marked through the years by individual effort of its creative and showmanship talent. On this fundamental it is not an expression of over-enthusiasm to venture that Charlie Chaplin in 'The Great Dictator' is one of those milestones by which films since their early, faltering days have been led to renewed inspiration and realization of hidden opportunities. Because, in 'The Great Dictator' Chaplin has employed the full force of the screen's expressive power to crystallize the timely and encouraging idea that the world is only half-crazy and that sanity has not completely fled from human consciousness. And he has successfully accomplished his theme by expounding it through comedy and farce, whereas most other dramatists, novelists and treatise writers have employed tragic realism.

Chaplin moves his audiences to a vantage point from which they view the world scene with perspective. Most others have led their readers and listeners into the maelstrom itself with all its fearful consequences—and confusion.

It is not that the Chaplin viewpoint necessarily is unique, rather is it that only a Chaplin, fired with a message of ultimate hope for the great masses of people, possesses the talent and skill to tell it—and act it—in the highly effective motion picture medium.

That a first-night audience, misled to some extent by the advance publication of some of the very amusing still photographs from 'The Great Dictator,' seemed cool to the Chaplin effort and hesitant to respond to its theme, except in the hilarious farcical scenes, was to be expected, so daring and original are the ideas developed. Composed to a large extent of professionals and personal well-wishers, the first audience reaction was that Chaplin should stick to his funny hat, cane and shoes and leave world politics to the politicians. It is only upon a second, or third, viewing of the picture that the spectator is carried away with the general audience enthusiasm and emotion and made to grasp the full significance of what Chaplin has done.

Single-handed, of course, he can do much, but not enough. 'The Great Dictator' comes to the film industry at a moment when it is greatly in need of a symbol of its greatness as an expressive medium. World affairs are being translated daily into the American life and scene and the motion picture, with its millions of supporters, must interpret the times and not forever proceed blind-folded by a policy of ducking from under the issues because the issues are heart-rending, brutal and drenched in human wretchedness.

Chaplin has translated a Babel of turmoil into an entertainment where men and women laugh for a moment at fears and misgivings and find renewed courage and determination to face the realities when the picture fades from the screen and the theatre is flooded with the house lights. That many in the audience remain for a few minutes to dry an eye and regain composure is just one more incident of paradox which Chaplin, the clown, achieves. The hundreds standing in lobby and boxoffice queues, eager for the next showing of the film, bear evidence that neither a lukewarm and divided press, nor a disappointed, friendly first-night audience is any damper on the potency of enthusiastic word-of-mouth approval of the film.

How quickly 'The Great Dictator' will circulate in general release through the country is a matter of showmanship handling. Any Chaplin picture possesses top boxoffice qualities and there undoubtedly is a temptation to move it quickly. On the other hand, the premiere experience should caution its sponsors to lay in front of it a barrage of exploitation information that defines its true worth, which is far more than a starring vehicle for Chaplin. That job should be done within the trade now.

In all the public discussions, legislative hearings and interferences from high-pressure groups which of late have given the film industry a bad case of jitters and inferiority, not enough counter-argument has come from the screen itself to defeat its misguided defamers. With camera and film Chaplin strikes a timely blow for the freedom of an industry.

That is why 'The Great Dictator' among showmen should be regarded as the great picture.

Valentino Nephew's 20G Claim on Film Reissues

Application for a bill of particulars disclosed an action by Jean Guglielmi, known as Jean Valentino, sole heir and nephew of Rudolph Valentino, against Artimeena Associates, Inc., and Emil C. Jensen, in the N.Y. supreme court Friday (18). Action seeks \$20,000.

Suit claims failure to pay all monies due on the distribution in 1938-39 of 'Son of the Sheik' and 'The Eagle.' Defendants claim they already paid the plaintiff \$25,375.

Nothing Phony About These

Hollywood, Oct. 22.

Harpooning crew from 20th-Fox returned from Mexican waters with footage of the spearing of two whales for use in 'Down to the Sea in Ships,' Expedition, headed by Jim Haven, technical advisor, had been at sea for six weeks.

Whalers have the permission of the Mexican government to harpoon a third leviathan if the picture requires it.

BECOMES FINAL WITHIN 2 WEEKS

15-Hour Session Between Lawyers for Both Sides Cleans Up a Long-Winded Situation — B & K (Paramount) and Fox-West Coast Bow to U. S.

CONCESSIONS

The Department of Justice and attorneys for the five producer-exhibitor film companies finally reached an accord on a consent decree yesterday (Tues.), and the decree ending the anti-trust suit against these film companies will be entered formally within a fortnight. Climax came after a hectic 15-hour session ending Monday night (21), at the Bar Association N. Y., when the weary attorneys finally agreed on terms at midnight, cleaning up a situation which has leaned every which way since the heat of the trial of the action June 7.

Both sides agreed on all arbitration matters necessary for incorporation in the decree and on the terms of the decree itself days ago, but two catches to the actual signing were not cleared up until Monday (21). These were the Fox West Coast suit, in which the Government claimed unfair clearance was being secured by 20th-Fox theatres. This action, having never reached trial, will be dropped completely.

The other action was the Balaban & Katz situation in Chicago, where Balaban & Katz Corp., B&K Management Corp., Barney Balaban and Paramount Pictures were charged by the U.S. with having violated a previous decree. A settlement of this suit by dropping it was asked by Paramount but refused by the Government, as the special master in this suit had already ruled for the U.S. The suit was settled Tuesday by the agreement on the part of Par to the entry of a plea of nolle contendere, meaning guilty, without the onus of guilt. It was agreed late yesterday (Tues.) that this suit would be dismissed on payment of a \$10,000 fine.

This action was the one which actually held up the works, as it was not until late yesterday afternoon that two B. & K. executives in Chicago, reached by phone, agreed to the settlement. The Fox-West Coast suit was a more simple matter, as unfair clearance methods constituted the charges, and these are being taken care of by the decree itself.

Suit was postponed formally because of the agreement on the part of Par to the entry of a plea of nolle contendere, meaning guilty, without the onus of guilt. It was agreed late yesterday (Tues.) that this suit would be dismissed on payment of a \$10,000 fine.

SMALL TO STEP UP HIS PROD. FOR UA

Revision of Edward Small's product commitment to United Artists will be one of the subjects taking Murray Silverstone, chieftain of the distributing outfit, to the Coast at the end of this month.

Arrangements, Silverstone said, will be made to increase the number of films Small will turn in to the company during 1940-41. Small was slated in the annual products announcement to provide five pictures (one a holdover). The one left from last season, 'South of Pago Pago,' which, like 'Kit Carson,' has now been released. Yet to be made are 'Son of Monte Cristo,' 'Corsican Brothers' and 'Two Years Before the Mast.'

During 1939-40 Small delivered only two. One of them, 'Man in the Iron Mask,' was due from the previous season, and 'My Son, My Son' was new.

Par Execs to Powwow on 1941-42 Films in Relation to Blocks of 5

More Overhead

Hollywood, Oct. 22.

It was only a lot of mallards to the duck shooters who were opening the hunting season in California, but it cost Paramount \$5,500 on location at Big Bear for exteriors on 'Shepherd of the Hills.'

Nimrods blasting in the offing caused a lot of costly retakes.

UA UNFREEZES BRITISH COIN, BUYS FILM

Further steps along the line adopted last week are expected to be taken by United Artists and its producers, as well as by other companies, in converting frozen English pounds into U. S. dollars. Three UA producers and the distributing company itself used about \$40,000 (\$4 to the pound) to purchase an English-made film, 'Contraband,' which they will distribute in this country.

Film was bought from Anglo-American Film Co. and Conrad Veidt, who also starred in it. Deal was negotiated by Jerry Freeman, of Anglo-American, who has clipped back to Europe, and Murray Silverstone, UA chief. Producers participating are David O. Selznick, Samuel Goldwyn and Edward Small.

'Picture has been retitled 'Black-out' and is now being edited by Veidt on the Coast.

AL COHN MAY SUCCEED SIEGEL AT REPUBLIC

M. J. Siegel, production chief for Republic, is due in New York from the Coast this week for confabs with chief Herbert J. Yates. One of the principal nuts for the pair to crack is selection of a successor to Sol C. Siegel, top producer on the lot, who has pulled out to join the Paramount staff Nov. 1.

Yates and Siegel will conclude in New York until about mid-November, when both will go to the Coast. Yates will probably remain until after the first of the year on his periodic product checkup. It is understood that selection of Siegel's successor will not be announced until Yates arrives on the Coast.

Choice lies between an outsider and promotion from the ranks, with story chief Albert J. Cohen, who has also been handling associate producer assignments, understood to be in the lead for consideration.

Siegel is also due in New York this week for a vacash prior to taking over the Par job.

Engineers Name Huse

Hollywood, Oct. 22.

Emery A. Huse, west coast manager of the motion picture department of Eastman Kodak, has been elected president of the Society of Motion Picture Engineers for 1941-42. Announcement was made yesterday (21) at opening session of the annual fall convention of the SEMPE at the Roosevelt hotel.

Other officers: Herbert Griffin, executive vice-president; A. C. Downes, editorial v.-p.; William C. Kunzmann, convention v.-p.; P. J. Larson, secretary, and George Friedl, Jr., treasurer.

Away in advance of release on its current (1940-41) product, Paramount is preparing to discuss preliminary plans for the seasons of 1941-42 when it may be selling pictures in blocks of five under the consent decree.

While production plans may vary among the Big Five in the event the consent decree is adopted, Par is desirous of laying tentative plans and to this end a party of home office executives headed by Barney Balaban will converge on the Coast Nov. 10 for huddling. Y. Frank Freeman, head of the studio, may come on meantime for a few days of h.o. conferences.

Balaban, Adolph Zukor, Neil Agnew, Stanton Griggs, Sam Dembow, Jr., Leonard Godenson, Bob Gilliam, Alec Mass and Charlie Reagan leave today for Chicago to attend the American preem there tomorrow (Thurs.) of 'Northwest Mounted.' Zukor will go on to the Coast from there, while the others will return to N. Y. before making the trip west. Balaban will leave Nov. 6 after the election and probable that others will haul out the same date, though this is not set.

Griggs, Russell Holman, Goldenson, Agnew, Dembow and Leon Natter, with Gilliam also a possibility, are among those who will attend the Coast huddles on '41-44 plans. Agnew may make a couple stops on the way out.

It is figured now that Par will be ready to start the 41-42 films in January. The tentative release schedule of the company on this year's product (40-41) now goes through February on pictures that have been completed, while in addition seven are to start between now and Dec. 1, carrying releases through May. This will mean about 75% of the year's supply.

GN OF ENGLAND GETS OK TO DO BIZ IN N. Y.

Grand National Pictures, Ltd., of England were granted permission to do business under its corporation name in N. Y. State on Monday (21) by Federal Judge Vincent L. Leubell in N. Y. The company had been distributing pictures of Grand National Pictures Corp. of the U. S. in England.

The petition of the English company, which was not opposed by the trustee of Grand National Pictures, Inc., dissolved and reorganized in December, 1938, and at the present time has acquired some pictures which have no relationship to the bankrupt company, and has produced some of its own. No competition will be offered the bankrupt whose films are being liquidated through Mohawk Pictures Corp. of N. Y., since the English company will not attempt to distribute any of the American company's films.

Roosevelt's Marine Call Cancels Bronston Deal

Hollywood, Oct. 22.

James Roosevelt's agreement to supervise the production of 'Martin Eden' for Samuel Bronston was cancelled by mutual agreement because of the extra duties entailed by Roosevelt's call to service as a member of the U. S. Marine Corps Reserve.

The call will not interfere with the production of his own picture, 'Pot o' Gold,' which rolls Nov. 25, with James Stewart, Paulette Goddard and Horace Heidt in the top spots.

As result of the dissolution of the Roosevelt pact, Bronston gave up his United Artists release and is negotiating for another outfit.

Sid Kent East

Hollywood, Oct. 22.

Sidney R. Kent, head of New York after two weeks of huddles on budgets and product at the 20th-Fox studio.

Exco also visited with his mother, who is ill.

Kanin Yens for Low-Budget, Unit Productions; Strong for 'Individualism'

By HOBE MORRISON

The next few years will bring big changes in the film industry. I'm glad I'm around to see them, to have a part in them. Garson Kanin, RKO director in New York for the preem of his latest picture, 'They Knew What They Wanted,' at the Radio City Music Hall, ran lean, bony fingers through his thin, light-brownish hair.

'Imagine the things we've seen in the last few years,' he continued, as he paced nervously back and forth across the living room of his hotel suite. 'Who would have thought a year ago that we would have to get ready to show we're registered for conscription? Who could have predicted any of the tremendous events that have changed all our lives?'

'Of course, the loss of our foreign markets will mean we'll have to make drastic revisions in our distribution and business setup. We'll have to get rid of the deadwood in the film business—and you'd be amazed at how much deadwood and incompetence there is in Hollywood. But, more important, we'll have to change the kind of pictures we're making. The world is undergoing vast changes, ideas and people are changing, so motion pictures will have to change with them.'

Unit Trend

'Even more important than the distribution or other business changes in Hollywood is the recent trend of directors to form their own units to make pictures the way they want. Why should the control of films be in the hands of bankers? Their business is making money, not trying to tell artists about the creative end of motion pictures. The bankers should work for the creators, not the other way around.'

That's why such directors as John Ford, Frank Capra, Frank Lloyd and Gregory LaCava have formed their own units, with complete charge over all production. The result has been the best pictures from those men that the industry has ever seen. Do you think Ford could have made 'Long Voyage Home' if he had been under banker control? What banker would ever have permitted Chaplin to make 'The Dictator'? Those are the pictures that are leading the way for the future.

'And that's why I'm not going to renew my contract with RKO when I complete the next four pictures it calls for. I could sign an extension right now, get it've been offered a lot more money to sign with Metro when my RKO contract is completed. But I won't do it. I want to form my own unit.'

Pan Berman's Nix

'When Pandro Berman was made head of RKO production I went to him with a suggestion for the studio. I asked him to let everyone do what—'

(Continued on page 20)

HAMMONS LOSES POINT IN 31G SUIT ON NOTES

Earle W. Hammons' defenses in connection with \$31,000 suit against him by the Federation Bank & Trust Co. of N. Y., were dismissed Thursday (17) by N. Y. supreme court Justice Julius Miller. The court granted Hammons 10 days to file amended answers, remarking the original defenses were insufficient in law and void as against public policy.

The bank claims Hammons failed to pay monies due on loans. The former film executive, in seeking a dismissal, declared that parts of the money had been paid back, that the bank had offered to repurchase its stock bought by Hammons at the purchase price, and that Hammons had secured the endorsements on notes for the bank of R. H. Cochrane and Carl Laemmle.

Donlevy a Stick-Upper

Hollywood, Oct. 22. Brian Donlevy gets the role of Al Jennings, tough guy, in 'The American Vagabond,' to be produced for Paramount release by the Boris Morros-Robert Sillman picture-making firm.

Al Jennings, himself, is slated as technical adviser to coach Donlevy for the bandit role.

Studio Contracts

Hollywood, Oct. 22.

Martha Driscoll drew a player contract at Paramount.

Charles Lang inked an actor deal at Universal.

Metro signed Ralph Freed as lyric writer.

George Gibson's new ticket as scenic artist at Metro.

Warners picked up its player option on David Bruce.

Roy Rogers drew an option lift at Republic.

Warners hoisted its option on Mary Lee, singer.

Option on Lester Cole was exercised by Warners.

Mary Bovard signed to a player pact by Columbia.

PAR STOCK CLIMBS TO '40 PEAK AT \$8.75

Possibility that Paramount would show better than \$2 per common share for the current year was responsible for this stock climbing nearly two points last week and registering a new peak for 1940 at \$8.75. Move in Par shares started after Wall Street heard that 48c per common share was expected in the third quarter and likely would top 50c in the final three months this year.

Paramount reported \$1.01 per common in the first half, with confidential reports that \$2 or better seemed assured for the full year, best the company has had in several seasons. Company already has paid 30c on the common this year, most since new shares were issued.

Paramount was able to show \$1.08 per common share in 1939 when net profit totalled \$3,874,944. This was far ahead of 1938 earnings.

Reason for the large earnings in the final quarter covering October, November and December is the flow of new strong product and the fact that this is the best season of the year for theatrical operations with Par figuring to cash in heavily through its vast theatre setup. Fact that 'North West Mounted Police' soon will be showing in key spots and that 'Arise My Love,' already credited with being a surprising grosser, is contributing to the large profit lineup in the final three months.

R. G. Swing's 1st Cartoon Short for Release Nov. 5

Raymond Gram Swing, radio commentator, has signed with Cartoon Films for a series of one-reel shorts, first of which will be released Nov. 5. Columbia is releasing. All in color. Actual production work on maps, charts and necessary scenes will be done on the Coast, Swing's running commentary recorded in New York. He will appear briefly in the opening scene of each short.

The 'Breakdown of World Peace' will be the general theme of the series, with three shorts set, and as many as 12 possible before the subject is covered. First will cover the aggression against China and the conquest of Ethiopia. The second likely will cover Austria and Czechoslovakia, while the third picture probably will handle the Poland invasion.

Swing has written the introduction to Oxford University Press' 'The Second World War; First Year.'

Sun Tan for the Saint

Hollywood, Oct. 22.

'The Saint in Palm Springs' went into production at RKO a month ahead of the annual Hollywood he-gira to that resort in the desert.

George Sanders plays the saintly role, assisted by Wendy Barrie, with Jack Hively directing.

'JULIET' STARTER SET

Hollywood, Oct. 22.

'There's Always Juliet,' Edward H. Griffith's next directorial job at Paramount, is slated to start Nov. 25. He is currently putting the finishing touches to 'Virginia.'

Chadwick's Pic Comeback

Hollywood, Oct. 22.

I. E. Chadwick returned to film production yesterday (Mon.) with the start of 'Her Father's Daughter,' slated for Monogram release.

Edith Fellows has the femme lead and Wilbur Evans, a singer, makes his Hollywood debut in the top male role.

12th Annual Pitt Variety Shindig Is Its Usual Wow

Pittsburgh, Oct. 22.

Twelfth annual Variety Club banquet at William Penn hotel Sunday night (20) voted a wow in every department by more than 1,000 showmen and their friends from both coasts who packed every inch of space in the big ballroom. Affair ran from 7 p.m. to 2:45 a.m., more than seven and a half hours, and less than 20 guests, by actual count, pulled out early, proving quality of speeches and entertainment.

Feature of evening was adoption by Club of another founding, the six to be taken under Variety's wing here. Infant boy was re-christened Joe E. Brown, Jr., after the comedian who was one of the guests and indicated he intended eventually to adopt the tot himself when he returns to the Coast after a Broadway engagement in revival of 'Elmer the Great.' C. J. Latta, outgoing chief barker, was gifted by his successor, C. C. Kellenberg, and John H. Harris, general chairman and national chief barker of Variety, was presented with a clock and a M-G lion cub by Bill Rodgers, company's sales manager.

Howard Dietz was toastmaster and speeches were made by Brown, Charles Laughton, Eddie Dowling, James Roosevelt, John B. Kennedy, Mayor Scully, U. S. Senator James J. Davis, Jim Crowley, Senator Frank J. Harris, Walter O'Keefe and William McGraw, former attorney general of Texas. Also on the dais were Fritzie Zivic and Bill McKeechie, who only took bows.

Show

Show was m.c'd by Red Skelton and included Jimmy Durante, Ozzie Nelson's band, Harriet Hilliard, Galli-Galli, Radio Rogues, Jean Travers, Del Rio, Bobby May, Rosanne Stevens, Don Cummings, Six Whirlwinds, Brian McDonald, Louis Armstrong and bands of Leighton Noble, Al Marsico, Ovando, George King, Teddy King, Frank Hernandez and Jerry Mayhall. Durante left here right after show for Detroit, where he opened a two-week engagement last night (21) at the Bowery Club.

Motif for the second straight year was a Show Boat. The entire musical play was converted into a big river theatre with all the trimmings, including splashing waves and gangplank. Harris was chairman of affair; James G. Balmer and Harry Kalmine his assistants and Dr. L. G. Beinhauer, treasurer.

Detroit Variety's Tag Day

Detroit, Oct. 22.

Repeating the venture which last year won it a national award for the best charitable enterprise, Detroit's Variety Club staged its second annual tag day here to provide clothing and lunches for needy school children.

The charity was started a year ago after school teachers reported that many children were staying home from school because youngsters lacked shoes or warm garments and that thousands of others were going without noon luncheons. At that time \$36,000 was raised in the Variety drive but this year the goal was \$50,000, with 7,000 children in need.

The showmen's drive, with Ed E. Kirchner, acting as general chairman, this season had the cooperation of the Detroit Teachers Association and the Volunteers of America with 1,200 women joining in the tag sale. In Detroit—grown wary of tag days by the British-American Ambulance Drive recently named 'right to the street'—the club won a big concession in being given the o.k. Both the public and parochial schools back up the Variety campaign.

OF PEOPLE AND PLACES

By The Skirt

The Best Dressed Woman of the Week:

BETTY GRABLE

'Down Argentine Way'

(Picture)

The Paramount at 10 A.M.

Last Wednesday was registration day and no school for the children; perhaps that is why the Paramount was so mobbed. At 10:30 a.m. the house was packed with lines rows deep, waiting for the next show. Then after that show the lines were deeper than ever, a revelation to The Skirt, who hasn't been on Broadway in the morning for years. The picture was 'Arise My Love,' starring Claudette Colbert and Ray Milland. The stage show was headed by Frances Langford and Jon Hall. You can draw your own conclusions who was the draw.

The picture is one of those wacky affairs, with Miss Colbert as a newspaper woman, and she is dressed as only a picture newspaper woman would or could. Her attire is the last word with becoming hats and accessories. With her many assignments it is to be wondered where she finds the time to be so well turned out. For her evening at Maxims' Miss Colbert wears a stunning black lace gown. The lace is over a flesh-colored lining modeled with a square-necked line and the skirt carries a full flounce of net. The head is covered with a small lace hoodlike affair. One redingote of a tannish shade has a side embroidery in a wheat and bowknit design. We must admit the star is the best dressed newspaper gal ever seen.

Tommy Reynolds is the name band and the boys were picturesque in red coats and black trousers. Mr. Reynolds was a nice contrast in a beige tux. The Allens, a dancing team, had the girl, a long velvet skirt, which she discarded when the team got down to business. A short skirt of velvet had a blouse of the same material with shoulder ornaments of rose. And her legs did look nice in black sheer stockings. The Kennedy, a middle-aged couple, panicked with their tapping. Mrs. Kennedy in a black velvet street costume. Romeo Vincent, a newcomer to these shores, was a riot. Harry Harris prepares the material used and Vincent delivered the goods.

Frances Langford has changed her looks all for the better. Now with her hair a lovely shade of red gold she can reckon glamour with the best. Miss Langford wore a pale blue crepe gown with all the earmarks of that popular modiste in Hollywood, Irene. The skirt was gracefully draped in long flowing lines while the top had a wide belt of crystal beads; the beads also carried out in a sort of bolero fashion. The neckline was the new square ending in a V. Jon Hall was painfully self-conscious, but managed to endear himself with the kids in the audience.

Starring Travis Manton

'Down Argentine Way' is at the Roxy. It is a picture in color and some of the hues are too vivid. The story is the old horse one done to death in pictures. The 'Argentine' accents of Henry Stephenson and Don Ameche are funny, funny in the fact that most of the time they forgot to accent. Betty Grable is plausible until she speaks, then she is pure Brooklynese. Travis Manton did the clothes, and swell. Miss Grable is dressed to the hilt, all her outfits being stunning. Blessed with a perfect twelve figure it isn't hard to outfit this girl.

Many riding suits and dinner dresses are shown. One in rows of blue and red bands, with white organza blouse and full-sleeves, is particularly lovely. A grey fox coat is too, too sumptuous. Designed in three rows, the rows are carried out even in the sleeves. The coat is tightly belted. Underneath is a tulle dress sequined from neckline to well below the hips. For a rhumba number a gold frock is of the no front and long skirt behind variety. All in all Miss Grable is a fashion show by herself.

Charlotte Greenwood is her own self in this picture but she is just a little too impeccably groomed. One wishes someone would muss her up a bit. Her clothes are all becoming and the famous Greenwood kick is in evidence in an outfit worn gauchito style. For the most part the clothes worn by this comedienne were tailored with hats of the brim type. There is a silver evening coat, outstanding. Manton did well by the large chorus and his ensemble whether in snooty night clubs, or the festa of the Argentine is beautiful. The picture is definitely Travis Manton's.

Oh dear, nearly forgot all about Carmen Miranda. Perhaps it is just as well as this clever entertainer is lost in the general hodge-podge.

The Roxy show is up to its usual standard, with the most enjoyable number being the Co-Eds in front of a frat house in grey skirts and red jackets, red stockings and matching plaid box hats. The Dennis Sisters wear plaid dresses.

Abe Lyman at the New Yorker

The New Yorker is off the Stork Club beat but was capacity Thursday for dinner. The reason obviously was: Abe Lyman and his band plus a delightful ice show. A good mixer and personality is the veteran Abe. He's been in the band business and on top many years. Has 17 boys in beige tuxes, black trousers and soft white shirts, black ties. He's in a well cut dark blue serge. Rose Blane, the soloist with the band, does her singing in a grey skirt, pleated band and front, with the top, bolero fashion of American velvet edged with beads. It's something to see the dance floor suddenly converted into an ice rink. Belita, a fancy skater, does her stunts in varied costumes among which are a short white skirt worn with a pull-on sweater, then a blue lace short skirt with matching bra. Cliff and Rona Thael are remembered from the International Ice Show. Miss Thael is in gold lace edged with blue ruffles. Gordon Leary and Marion Flaig are another clever team. Miss Flaig is in a silver sequin frock. The five girls introducing the show are representative of the most popular colleges and are in the proper colors with the short skirts and pullovers. Three of them do a clever Spanish bull fight number in long velvet skirts, turning them later into bull leasers. The musketeer number winding up the show is beautifully done in the regular costumes of the musketeers. The girls are in blue velvet tunics with white embroidery collars, plumed hats and white boots.

Bob Boyle, comedian, skates in a plaid outfit. The show is produced by Boots McKenna and a good job. Put down the New Yorker Hotel on your interesting list.

Their Favorite Recipes

Ed Wynn's Gypsy-Hungarian Stuffed Cabbage

Two and a half pounds top round, run through twice, add salt, pepper and paprika to taste. Grate a large onion into meat. Also mix into meat a handful of raw rice. After this is done roll into small balls. Take three heads of cabbages with large leaves. Put heads of cabbages into large dish pan of cold water with heads down. Put pan with cabbage on stove and leave until water comes to a boil. Remove from stove. Leaves will remove easily. Take a single leaf of cabbage, place one of the meat balls in center of leaf. Wrap meat ball with leaf by folding leaf once toward you and once away from you, then, tuck in ends of leaf. After all balls have been wrapped, cut up remaining cabbage for the sauce. Place wrapped balls and cut cabbage into large cooking pot. Add two cans strained tomatoes, a small can Campbell's tomato soup and two cans cold water. Again season to taste with salt, pepper and paprika, lemon salt, or juice of lemon and about two table spoons sugar. Cook from two to three hours on slow fire.

Now take a large frying pan, put in it two tablespoons vegetable fat. When thoroughly melted, cut large onion into small pieces and place pieces into fat and cook onions till golden brown. Then add a tablespoon of flour and stir till flour browns. Take some of the boiling broth out of the pot and stir into the sauce. Then carefully take out the meat balls and place in frying pan and shake until the sauce comes to a boil. This serves seven people.

30¢ NAT'L AVERAGE ADMISH

Analysis of 1940-41 Sales Methods And Terms, Co. by Co., Gotten Up Via Allied States' Info Dept.

An analysis of sales negotiated by the distributing companies on the 1940-41 product, showing the policies pursued and the terms obtained, has been made as result of data gathered from buyers by the Allied Information Department of Allied States Assn. This service was set up last summer by Allied as a means of cross-checking information among exhibitors, based on deals consummated.

Providing the exhibitor members of Allied with the results of the survey undertaken by Allied's Information Department, now generally known as AID, the organization has prepared cards as a final check on 1940-41 deals with exhibitors throughout the entire country, whether chain or independent, and also whether a member of Allied or not. The card also seeks data on other matters germane to theatre operation and buying.

The AID, which makes its headquarters at Philadelphia and is spending considerable money gathering information, asks that exhibitors forward data covering buys of '40-41 product up to date, with AID paying the postage.

To Help Your Buying
It is pointed out that a running record of this nature is bound to help you in your buying and, by passing the information on to AID, it will help give the committee a picture of the buying situation as it exists throughout the country.

The survey being undertaken is conclusive. The exhibitor or theatre operator is asked to give seating capacity, the run, single or double feature policy, total number of features required each year from all companies, the price scale, type of competition, how many theatres in a circuit, and complete information as to all deals made with distributors. This includes number of features offered and bought, the exact terms, cancellation provisions, number of features on percentage, those on percentage carrying a guarantee, those on percentage calling for preferred playing time, comparison of flat and (Continued on page 18)

SAWYER TAKES OVER COLONNADE OF MIAMI

Miami, Oct. 18.
Colonnade Pictures Corp., organized several months ago to produce in Coral Gables, has been purchased by Arthur Sawyer. Sawyer was formerly company's prez, but resigned after the death of its principal stockholder, Col. Edward O'Toole, in order to legally handle purchase of the studios. New head is Edward O'Toole II.

Reported that contracts have been signed with several producers for films going into production during next six months.

George Hirshman, who reportedly backed filming of 'Adolescence' at Colonnade during summer, is slated to get 'The Lady and the Tiger' before the cameras on Nov. 15.

Eastern Screen Readers To Join Hollywood Guild

Newly-formed eastern unit of the Screen Readers Guild moved a step closer to affiliation with the Coast union of similar workers by passing a resolution at its meeting last Friday (18) favoring such an amalgamation. Hollywood body, by adopting a similar resolution, which it has indicated it will do, will make the joining complete.

Demands to be presented by the SRG to the major companies have been formulated in a rough state and will be ironed out on Friday (25). They'll be presented to the management next week.

An Old Libretto

Minneapolis, Oct. 22.
Claiming that in a number of instances, booth operators, with their \$55 to \$70 a week stipends, are earning more than the owners of the theatres which employ them, Northwest Allied is seeking a reduction in the scale. At the same time, however, the operators' union is demanding a remuneration boost.

Conferences over a new contract now are under way.

Metro Testing How To Sell 'Gone' On Its Gen'l Release

Before determining the sales policy that will apply for 'Gone With the Wind' when it is sent on general release, this coming January, Metro will spot it in a half dozen or more test engagements at lowered admissions as a means of getting a line on how to sell the film. It will be specially merchandised rather than delivered under the 1940-41 contract which calls for four pictures in the top bracket of 40%.

The test dates for 'Gone' will include situations where the picture played at a 75c matinee and \$1.10 evening scale, as well as spots which did not play as a 70% feature. Half of the tests will probably be in theatres which will be replacing the film. Plan is to release 'Gone' generally on a basis that will call for three shows daily.

The admission scale to be agreed upon as a part of the contract will likely be approximately one-half what it was before, with a kid price also possibly figuring. Scale may be 35 or 40c mats and 55c evenings generally, though this is yet to be decided. Figured that there is a big kid audience for the film and that a special price for this patronage possibly should be set. It is also expressed in selling-buyer quarters that in addition to those who missed the film at the 75c-\$1.10 scale, there is probably a large audience among colored fans who will be drawn at the lower scales that will be in effect.

'Gone' sold at 70% of the gross on straight percentage, with a 10% guarantee of profit, if the account desired, when it was made available last winter and spring. While the sales terms remain to be worked out, with test engagements as a guide, buyers believe that if a sliding scale does not apply against an anticipated gross, Metro may ask for 50% deals.

It is understood in Metro quarters that the company may again be willing to make alternate deals under which it will guarantee the buyer a stipulated profit where agreement is reached on what the overhead will be.

Picture will not be cut or edited, its running time of three hours and 45 minutes standing as is.

Mrs. Marston Back

Florence Marston, eastern representative of the Screen Actors Guild, returned Monday (21) from an extended leave of absence due to ill health.

Harriett Reynolds, assistant who subbed during her absence, resigned effective last Saturday (19). She had given notice some time ago, but remained during Mrs. Marston's absence. She has several agency offers, but will take several weeks off before making a decision.

HOPE TO TILT IT FROM 23c

At Height of 1929-30, the National Film Admission Was at the 32c Mark—Showmen Feel a General Move Upwards Is Propitious Now

FACTS AND FIGURES

A general increase in admissions throughout the country is looked for within the trade, with a gradual lifting of the scales possibly bringing the average boxoffice levy to nearer 30c. The national average now is around 23c., whereas at the height of talker prosperity in 1929 and 1930 it was approximately 32c. It is impossible, according to showmen, to get an actual tabulation on admission scales since so many small independents are concerned in the national picture and various theatres shift their prices around a lot.

However, it is believed in some quarters that the necessity for getting more out of the number of fans regularly attending theatres, coupled with the growing impression that certain pictures are deserving of higher prices than the regularly established scales for the general run of product, may increase the average to about 30c. It was more than 30c. in the lush, pre-depression days but pointed out, also, that radio at that time wasn't taking so many away from pictures, nor had various sports and other diversions made such inroads on the amusement dollar as now.

Pointed out by the statistically-minded that if the national average on admissions can be increased only 5c, this would go very materially toward making up for the deficits which exist, not only as result of the loss of foreign markets but also due to the decrease in the number of persons going to film theatres.

The Hays office estimate that 88,000,000 people patronize pictures, part of this number regularly, a part now and then, is regarded as much too high. A closer estimate is (Continued on page 18)

CENTRAL FILM CHECKING COLD

Proposal to have a consolidated checking service to service all picture companies apparently has fallen by the wayside. With Warner Bros. abandoning its own checking system, Ross-Federal is handling more accounts than ever before. Metro alone of the majors handling its own picture checking. M-G at one time had a contract for R-G agency to do its New York area checking but, when this expired, used only its own company setup for Metro films.

Increase in double-feature bills and the slowness with which new percentage product is getting out to subsequent-run houses are responsible for the current decline in picture-checking business, it is reported.

REP. HOLDS SANTLEY

Hollywood, Oct. 22.
Joseph Santley drew a new directing deal at Republic following his plotting of 'Melody and Moonlight' and 'Melody Ranch'.
Next assignment is 'Flagpole Meets a Flag', a Robert North production.

Casey and Browne in Chi Huddle Over 8,000 IATSE Studio Workers' Future Status; Cameramen Also

SWG's Expansion

Hollywood, Oct. 22.
Screen Writers Guild will wage a campaign to extend the SWG basic agreement with the majors to include scribes on indie payrolls. It was revealed at Monday's (21) meeting that the Guild membership is now 800, which includes 90% of the writers now employed.
Sheridan Gibney is to be unopposed for re-election as prexy.

Leon Savell to Lincoln May Mean Joe Philinson Shifts From J. H. Cooper

Slated for some time to head accounting forces for the J. H. Cooper interests, Leon Savell is at the Paramount home office waiting for plans in that connection to be worked. They remain to be set. It was learned yesterday (Tues.), but anticipated that they will, and that Savell will headquarter at Lincoln, Neb.

Meantime, Joe Philinson, who has handled all financial matters for Cooper, as liaison in operating matters and also on film buying, is expected to shift to another partnership in the Paramount chain. It is not yet definite which partnership he will hook up with, or whether he may figure in connection with some of Par's directly-operated circuits.

Savell was for years with the Kinney-Wilby circuit in Atlanta in charge of accounting. He was brought to the home office about three months ago, when T. X. Jones was shifted to K-W. Shift was arranged on the understanding that Savell would be transferred to one of the other partnerships.
Cooper-Par houses are located in Nebraska, Colorado and Oklahoma.

STOCK SHOTS RAISE NEW POINT FOR SAG

Screen Actors Guild board in Hollywood is considering the question of regulating use of library shots as a result of several cases recently raised by members in the east. Question is whether companies will be permitted to sell or lease such clips after they have once been used. Problem is whether existing regulations cover such contingencies or if new rules must be set up.

Issue first came up when an actor attending a film theatre saw himself in a picture he'd never made. It appeared clips from the picture the actor had made were included in the second film. Since he'd been paid only for the one job, he raised the question of whether use of the clip was not depriving him or some other actor of work. Matter is seen as somewhat complicated by the fact that some companies make films specifically for such library use. Most are historical scenes, but some are for use in commercial shorts. Latter include automobile shots, scenes in industrial plants, etc.

Another matter recently brought to SAG's attention is the filming of various exhibits at the New York World's Fair. Most of such films are believed to be intended merely for the records of the firms owning the exhibits. However, in some cases they are reported being planned for use in connection with advertising or sales, in which case they would be classified as commercial pictures and come under the regular SAG production code. It is conceded that regulating the firms owning the exhibits would be impractical, but the companies doing the actual filming

Hollywood, Oct. 22.

Pat Casey left for Chicago over the weekend to confer with George E. Browne, IATSE head, on demands of 8,000 IATSE studio workers for a showdown with producers on jurisdiction and working conditions. He then continues on to New York for discussions with International heads of other studio unions.

Inasmuch as current contracts with IA locals were negotiated by producers with the IA International, it is understood that studio heads want to ascertain whether the International will continue to set deals or new agreements and revisions to be made by individual locals. Producers are also eager to learn status of the American Society of Cinematographers which holds jurisdiction over lenders.

ASC applied for an IA charter but no action has been taken yet. Screen Cartoonists Guild approved Metro basic agreement which includes closed shop, minimum wage scales, shorter hours, improved working conditions. When studio affixes signature, instrument goes into immediate effect for one year.

Battle for White Collars

A fight for control of 3,000 white collar workers in the film industry got under way today (Tues.), with employees at RKO and Columbia voting to designate collective bargaining representatives. Only the name of Screen Office Employees Guild, which claims an industry-wide membership of 1,800, will appear on the ballot at these two studios. The workers, however, may designate whom they desire to represent them.

White collarites will ballot tomorrow (Wed.), at Republic and Universal; Friday (25) at Metro; Monday (28) at 20th-Fox and Walter Wanger; and Nov. 4 at Hal Roach. An independent guild, labeled by the SOEG as a company union, is making a fight for the designation at 20th-Fox. The American Federation of Labor tried to crowd into the picture, but was rebuffed by the National Labor Relations Board when officials offered no evidence to substantiate their claim to represent a majority of the employees.

The AFL, however, has started making overtures to the SOEG, and still is hopeful of bringing it into the Federation fold through an international charter if it refuses to accept a federal one. Negotiations (Continued on page 20)

NUGENT NOT RETURNING TO THE N. Y. TIMES

Frank S. Nugent, former film critic of the N. Y. Times, will not resume that post. Nugent, who resigned about six months ago to join the 20th-Fox writing staff, has allowed to pass the date by which he was obliged to inform the Times management of his intention if he desired to return to the paper. Deadline was last week.

It is understood that Nugent failed to notify the Times one way or the other and, after allowing him several days' leeway, the Times placed the mantle permanently on Bosley Crowther. Crowther succeeded Ben R. Crisler, who held the post only short time after Nugent left, resigning to join FBI. He has since moved to the New Yorker.

Reports that Nugent would be back on the Times emanated from the Coast, where, it is understood, the writer failed to agree with Darryl F. Zanuck, Fox production chief, on screenplay of 'Lucky Baldwin', to which he had been assigned.

might be controlled. However, with the Fair due to close in the next few days, all such jobs may be completed before SAG can deal with them.

Ellis Levey, Frisco's Telenews Op. Giving Boys Lesson in Showmanship

San Francisco, Oct. 22. Ellis Levey, manager of the Telenews here, is being well operated of a newsreel; continually generating gags which keep house in spotlight both with public and trade. Installation of new radio studios, with town's hottest audience participation show as nightly feature, is typical example, house getting plugs over 36-station hookup and fans storming doors during normally quiet supper hour, since they have to buy tickets to get into radio studio, located in basement.

Currently, Levey is taking trade bows for his successful melding of three March of Time subjects. Took 'Crisis in the Pacific,' 'The Philippines' and 'Japan, Master of the Orient' and re-edited them into a hot, timely single subject retaining 'Crisis' title by artifice of edit. It is that RKO exchange manager, gave the stunt a go-ahead on condition Levey cut five identical prints for the exchange.

Theatre is operated much like a newspaper, maintaining its own camera reporter and scoring many scoops. Frank Vail, local Pathe man, handles most of Levey's assignments, shooting 40 to 50 clips per year. Shots cost \$130 and up, but have more than paid for themselves. Levey has cooked up many unusual deals, among them the Congressman Dies-Harry Bridges debate, which has been distributed nationally. He had the official announcement of the 1940 Frisco Fair on the screen one solid week before the newspapers headlined it, scooped other houses by six days on the De-Stristan kidnap case, and gets spot stuff on his screen within three to five hours of its occurrence, including dubbing of local off-screen commentary. Prints are processed by Karski Motion Picture Service Co. and are only newsreel items developed here aside from seasonal football stuff.

Levey has maintained close link with NBC and newspapers, particularly Chronicle. For first anniversary of house last month, Levey compiled special subject titled '52 Weeks of War.' Subject was tied in with Chronicle war anniversary number and whole affair broadcast by NBC.

House has contained a small radio studio ever since opening, equipped with news printers. Regular sked of shows, including hourly news flashes, is aired by KFSN. Recently, Levey spent \$3,000 to build an additional studio with room for audience of 100, completely equipped technically for all types of broadcasting and for newsreel sound recording.

First show to air from new setup is Roma Wine's 'What Do You Think?' interview show, with Art Linkletter handling, on Mutual. Anybody can say anything he cares to on any subject in the news—draft, elections, Chamberlain, etc. Show has only been on air since Oct. 1, but has stirred up terrific excitement and materially aided grosses at the theatre. Studio is available to all networks, and KFSN probably will shift several shows to house during remodeling of the Don Lee studios here.

RKO'S \$15,000 CONTEST ON 'LITTLE MEN' PLUGS

Cash awards of \$15,000 will be divided among theatre managers of this country and Canada for the best showmanship embodied in campaigns on 'Little Men' by RKO. This is the picture that has 'Elsie,' the Borden glamour girl, in the cast.

The \$15,000 will be split into 369 different prizes. Contest begins Nov. 1 with national release and will extend through Feb. 15, covering all dates of the picture during this period.

There will be 13 prizes totaling \$1,350 to cover first-run theatres and 62 prizes of \$2,100 for subsequent run theatres in cities of 100,000 and over; 18 prizes totaling \$1,350 to first-run theatres and 78 of \$2,275 for subsequent runs in towns of 25,000 to 100,000; and \$5,100 to 163 theatres of all classes in towns of less than 25,000. Also, there will be five prizes totaling \$800 to RKO's own theatres throughout the country, and \$800, broken up in seven prizes, additionally for the RKO Greater New York houses. In cases of ties, duplicate awards will be made.

Reflex Benefit

Pittsburgh, Oct. 22. When Kit Carson 3d visited Pittsburgh recently in the interests of the UA picture based on his grandfather's life, old scout was royally entertained by WB, who grabbed off a lot of newspaper space through him for 'Kit Carson.' That was as it should be inasmuch as UA product in Pittsburgh goes to the WB-Leovy pool. But when quick play-date wasn't made available for the picture either at Penn or Stanley, the big downtown spots, UA sold film under to Harris circuit, which has it pencilled Alvin.

As result, Harris is thinking about extending WB a vote of thanks for footing the bill for advance exploitation on the hoss opry.

CHI IS SPLURGING ON 'NW MOUNTED POLICE'

Chicago, Oct. 22. One of the biggest exploitation campaigns in the history of Chicago theatricals is underway for the premiere here Thursday (24) of 'Northwest Mounted Police' (Par). Co-operation has been secured from nearly all top Chicago organizations, including the influential State Street Council, which seldom indulges in teups.

State street itself will be roped off in the vicinity of the Chicago and State-Lake theatres for the preem, with a bridge to connect the two theatres so that the stars may cross the street above the heads of the crowd and yet be seen by all the gapers.

Chicago street car and elevated lines are advertising the event on all cars and stations. Hearst Herald-American has gone for a full tie-up and is running a contest for men to act as escorts for Paulette Goddard and Madeline Carroll, and girls to be escorted by Gary Cooper, Preston Foster and Robert Preston.

Both theatres, with a total capacity of 5,500 seats, have been sold out completely for the occasion at \$1.65 top. At first only the Chicago was set aside for the preem, but the demand for duets for the utilization also of the State-Lake.

'Aunt Maggie' Getting Gala Preem In Atlanta

Atlanta, Oct. 22. With William Seal, exploitation manager for Republic Pictures, on scene, and Herbert Yates, chairman of board due to arrive today (Tuesday), everything is set for premiere showing of 'Who Killed Aunt Maggie?' Thursday (24) night at Rialto theatre.

Pic is filmization of mystery novel of same name, by Medora Field-Perkerson, Atlanta newspaper-woman who is associate ed of Atlanta Journal's (local) Magazine, of which her husband, Angus Perkerson, is ed. Three stars of production, John Hubbard, Mona Barrie and Walter Abel, will arrive by chartered plane tomorrow (Wednesday) to take part in premiere festivities.

Arty B. O. Buildup

Pittsburgh, Oct. 22. Joe Feldman, advertising chief for WB here, has cooked up a stunt designed to increase matinee biz at class nabe houses and, if successful, in South Hills district, where it's been laboring since in the circuit. Idea has a literary flavor, being a series of weekly book reviews, presided over by couple of book-minded women provided by town's class bookshops.

It's a direct appeal to the neighborhood females who may want to hear the 'current best-sellers' discussed. Forums are to be held in the theatres, and women have to pay only price of mat admission, and they can stay for the first showing of the picture in the afternoon following the discussions.

BERGMAN VICE REEVE AS 20TH'S AD MANAGER

Maurice Bergman goes into 20th-Fox as advertising manager at the home office in New York sans contract on Dec. 7, succeeding Arch Reeve who resigned last week to return to the Coast. Reeve has a small fruit farm near Hollywood and may retire to that for a time but understood he is interested in continuing in the picture business on the Coast.

In Columbia in general publicity and advertising duties under Nate Spingold, Bergman would have been with Col three years, this coming March. His post at Col remains unfilled.

Par Theatre's B.O. Drive As Testimonial To Barney Balaban

The theatre department of Paramount, including all its partners, will put on a drive for best boxoffice results between Thanksgiving and Christmas as a testimonial to Barney Balaban, who completed his fifth year with the company as president this summer.

Theatres directly operated by Par, as well as those under local operating authority of partners, will concentrate on best bookings and showmanship during the testimonial period with a view to topping the good showing of last year between the two holidays. Distribution department does not figure in the drive.

SPG BEFORE THE NLRB TO ACT FOR N. Y. GROUP

Preparatory to making demands upon the producer-distributors in New York for recognition and a contract, the Screen Publicists Guild has petitioned the National Labor Relations Board for certification as the collective bargaining agent for publicity-advertising personnel in the home offices. Hearings on the petition began Monday (21). Unlikely that there will be a decision from the NLRB until a week from now or later. Hearings are being held before Charles Krame at the NLRB offices in N. Y.

It is claimed the eastern SPG membership now embraces more than 90% of the employees eligible to join. These include publicity writers, admen and artists attached to the publicity departments.

The plan of the N. Y. SPG is to hook up with the Western Screen Publicists Guild for the formation of a national organization. This no doubt will follow whatever action is taken on the hearings before the NLRB and the progress made in negotiations with the home offices. Ultimately the SPG envisions an organization that will embrace publicists and advertising men in all parts of the country as well as N. Y. and Hollywood. SPG on the Coast has contract with the producers, negotiated last year.

Free Concerts

Cleveland, Oct. 22. Musak made an outdoor installation of wired amplifiers for free outdoor concerts, the first ones ever sponsored here by theatre, in an experiment that became the highlight of Loew's Granada's 13th anniversary celebration.

Drumming it up as a civic stunt, John G. Newkirk, manager, interested the local merchants' association in the venture to the point of going splits on expenses for Musak services. Amplifying set was installed in tower of theater building, which was illuminated by floodlights, klieg lights and streamers of electrical garlands, and three-hour concerts were aired twice daily.

'Personal' Touch

As a stunt for the new Kay Kyser picture, 'You'll Find Out,' RKO sent letters on the bandleader's stationery to circuits and exhibitors. Purportedly from Kyser, the letters give a first-hand account of the picture's story.

Number of stills from the picture, reproduced on amateur photographer-size prints, accompanied the letter. Blurb was written in the style of lingo Kyser uses on the screen and radio.

Hy Fine Not Succeeding W. R. Lynch, Stays M. & P.; Other Exchange Briefs

Preview Blues

San Francisco, Oct. 22. Policy of previewing new product, almost eliminated in this area except for a couple of exchanges, aroused new wrath this week as result of trade screening held for 'Thief of Baghdad' (UA). With bulk of audience made up of wives, relatives and friends of friends, but hardly an exhibit in sight, showing disgorged horde of self-appointed amateur critics who spread word all over town that flick is a cluck.

Within 48 hours folks who were not at the screening were telling friends 'I hear the picture is terrible.' Most burned person in town is Charley Schlaifer, whose job it will be to overcome this gift-horse word of mouth when the United Artists plays the picture a few weeks hence. Schlaifer stated he will try to spike any further screenings of product destined for the house.

'TUGBOAT ANNIE' GETS BIG TACOMA SENDOFF

Tacoma, Oct. 22.

Tacoma's big place in the picture sun came Friday (18) when three houses—Roxxy, Music Box and Blue Mouse, the downtown Hamrick-Edris houses—premiered 'Tugboat Annie Rides Again.' Marjorie Rambeau, Alan Hall, Donald Reagan and Donald Crisp came in for the event. Three 'Tugboat Annie' were on hand: Mrs. A. Walker, 45, of Everett, who has operated three tugs for the past 30 years; Mrs. Anne Grimeson, 50, operator of three stern wheelers between Skagit river and Puget Sound ports, and Mrs. Chaney Wyman, 60, retired, of Vashon Island, who has piloted tugs between Tacoma and Vashon.

Mayor H. P. Cain of Tacoma proclaimed it 'Tugboat Annie Day.' Ned Edris was officially named head of the entertainment events.

The mayor presided at a banquet in honor of the visiting stars. Splendid cooperation was given by yacht clubs and steamship folks, while a brilliant 'Hollywood' opening put Tacoma into the film center that evening.

Cameraman Menken's Personals With Pic

Arthur Menken, newsreel cameraman who recently returned from Europe, is giving his personal appearance tour with Paramount's 'World in Flames.' Pic is a 62-minute compilation of newsreels.

Menken will be out with the film about three weeks, according to present plans. He's giving a short resume of his experiences, before each showing of the film. He handled the lens in Europe for a number of companies, last for March of Time. When, during the Russo-Finnish campaign, it became impossible for Menken to use his camera, he turned straight news reporter for several U. S. dailies.

WB Flacks On the Move

Hollywood, Oct. 22. Shakeup in Warner's publicity department shifted Sam Clark, Coast exploitation head, to the studio flack staff. Among his new chores are downtown contacts formerly handled by Les Mason, who moved over to join Alex Evolve on mail feature services.

Clark's former post was filled by Morty Weiser. Will Yolen joined the studio staff as a new member.

COWBOY'S HOLIDAY

Hollywood, Oct. 22. Bill Elliott opens a week of one-night stands in Texas, beginning in Dallas, Oct. 28, in conjunction with his Columbia western, 'Prairie Schooner.'

Actor hopped out after completing his latest cowfilm, 'Across the Sierras,' which will be released later.

Boston, Oct. 22.

Several managers and publicity men involved in transfers in the Boston district of M. & P. Hy Fine, reported to be going to Miami to succeed W. R. Lynch as general manager of Paramount Enterprises, back as southern New England district manager for M. & P.

Marilyn Glaser, formerly under Paul Lundy in the publicity office of the Metropolitan here, has been made publicity director for the Paramount, Fenway, Scollay and Olympia theatres here. He succeeds Jack Saef, who is transferred to Shawmut, Roxbury, Mass., as manager.

Sam Finestine, formerly manager of the Shawmut, goes to the Rivoli, Roxbury, as manager, succeeding Louis Newman, veteran M. & P. manager, who has resigned.

Joe Marquis shifts from the Egyptian, Brighton, to the Capitol, Allston, as manager, succeeding Tom Wall. Previously reported, Maurice Sreletsky shifts from the Allston, Allston, to the Egyptian as manager, and Aaron Shindler, formerly assistant manager at the Capitol, is now manager of the Allston.

Shea's Company Union

Buffalo, Oct. 22. Officers of the newly formed Shea's Service Employees Benevolent Association are Martin Murrett of the Kenmore, president; George Maurer, the Buffalo, v.p.; Robert Conlon, the Hipp, treasurer; and Tom Bingham, Seneca, secretary. Association reported to be employees' answer to outside attempts to unionize.

Bob Davis, Universal booker, has joined the U. S. Air Corps and begins training at Chanute Field, Ill. Mary Fridrich, formerly of Shea's Buffalo, has joined RKO here. Spencer Balser with Basil circuit for past 15 years, film buyer for all Basil theatres in this district.

Genesee, Mt. Morris, reopened Oct. 15 with Richard Dix, Lessee and George Smith managing.

J. R. Osborn, back from inspection trip of the Dipson's West Virginia theatres, announces his Colonial, Elmira, will reopen Christmas after complete remodeling.

Hy Rodman transferred from Loew's Providence, to manage Embassy, Rochester. Glenn Freedland, owner of the Cinema, Canisteo, reopened house. Schine's Palace, Syracuse, undergoing alterations but remaining in operation during the process.

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'Gone' Ends Long Chi Run; 'Rockne's' 2d, Plus Laurel-Hardy, Big \$36,000, 'Dulcy' Neat 5G, Navarro-Naish 13G

Chicago, Oct. 22. 'Gone With the Wind' closed Sunday (20) after a sensational run of 28 weeks, for 17 of which it had been day-and-dated in the Oriental. On the closing week the trade bounded to near-capacity. Woods reverted to subsequent run grind policy yesterday (Monday), but the Essaness management is working on some deal to bring in another road-show film, possibly 'Fantasia'.

On Thursday (24) evening the Chicago and State-Lake will be utilized for the premiere of 'Northwest Mounted Police' at \$1.65 reserved seat policy for the single showing. Paramount and Balaban & Katz are turning in a big exploitation drive for the opening here, with the civic leaders backing the premiere wholeheartedly. State street cannot be cooperating 100%, and not only will sponsor a parade, but also seeing to it that all traffic is re-routed on opening night.

On Oct. 31, Chaplin's 'The Dictator' will open day and date in Roosevelt on a grind policy at \$1.10 top and the Apollo at \$1.65 reserved seat two-day policy.

'Rockne' flicker holds for a second week in the Chicago and indicates another powerful money session. Also holding is 'They Knew What They Wanted' at the Palace.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-65-75)—'Carson' (UA). Historical horse race getting the male play and looking for satisfying \$8,500. Last week, 'Westerner' (UA), finished third week in loop to okay \$5,400.

Chicago (B&K) (4,000; 35-55-75)—'Rockne' (WB) (2d wk) with Laurel and Hardy added to the stage this week. Again a brilliant gross in the office at \$38,000, after having zoomed far above indications on the first week with Jimmy Dorsey's orch at \$44,400.

Garfield (B&K) (900; 35-55-65-75)—'Dulcy' (M-G). Neat coin in the office at \$5,000 for the light coin. Last week, 'Time Comedy' (WB), okay \$4,300 for second loop gallop.

Oriental (Jones) (3,200; 28-44)—'Money Woman' (WB) and Duke Ellington orch on stage. Strictly the Duke's presence for pleasant \$17,000. Last week, 'Love Again' (M-G) and Uncle Walter's Dog House radio show \$11,100.

Palace (RKO) (2,500; 33-44-66)—'Knew What They Wanted' (RKO) (2d wk) and 'Margie' (U). Former going to another big light coin heading at \$10,000. Last week, with 'Spitfire West' (RKO), excellent \$13,300.

Roosevelt (B&K) (1,500; 35-55-65-75)—'Argentine Way' (20th) (2d wk). Medium \$8,000, after taking okay \$11,100 last week.

State-Lake (B&K) (2,700; 28-44)—'Lady Question' (Col) and Ramon Navarro and Jimmy Dorsey heading stage show. So-so \$13,000 in prospect. Last week, big \$17,200 for 'Gold Rush Maisie' (M-G) with Edmund Lowe, Ann Dvorak and Carole Landis on stage.

United Artists (B&K—M-G) (1,700; 35-55-65-75)—'Strike Up Band' (M-G) (3d wk). Rooney and Garland combination brings box office powerhouse and continues currently to \$7,500, bang-up. Last week, big \$9,900.

Woods (Essaness) (1,200; 75-110-165)—'Gone' (M-G). Closed finally on Sunday (20) after 38 sensational weeks and finished to practically capacity at \$15,000, remarkable. House reverts to subsequent 30c grind policy.

Mostly H.O.s In Mont': 'Adventure' OK \$4,500

Montreal, Oct. 22. A brace of third-week and one second-week repeats are currently holding down grosses. 'Boom Town', 'Westerners' and 'Spring Parade' are the h.o.'s with balance doing average biz.

Estimate for This Week
Palace (CT) (2,700; 25-45-55)—'Spring Parade' (U) (2d wk). Good \$6,000 ahead, after smash \$11,000 last week.

Capitol (CT) (2,700; 25-45-55)—'It's a Boy' (Emp) and 'Golden Fleece' (M-G). Average \$5,500 in sight. Last week, 'Brigham Young' (20th), good \$6,000.

enough \$2,500, after fine \$3,500 last week.
Cinema de Paris (France-Film) (900; 25-50)—'Sans Lendemain' (3d wk). Around \$1,100 in sight, after fair \$1,300 last week.

BEERY, \$9,200, BEST OF HOSS OPRYS IN K.C.

Kansas City, Oct. 22. Westerns are mostly what the timogee may choose this week, or else. The outdoor films are on three of the six first-run screens, with 'Rockne' flicker, 'Beery' on Hall or Gene Autry. No really high cards are being dealt. In the other three first-runs the fan has a chance to catch up if he was late getting around, as holdovers last week's heavy registrants are at the Newman, Esquire and Uptown.

Estimates for This Week
Esquire and Uptown (Fox Midwest) (820 and 2,040; 10-28-44)—'Argentine Way' (20th) (2d wk). Current pace is that of the usual holdover, about \$3,200. Opening week so good at \$3,200.

Midland (Loew's) (4,101; 10-28-44)—'Wyoming' (MG) and 'Haunted Honeymoon' (MG). Beery western has slight edge on some of his recent films. At \$3,200. Last week, 'Third Finger' (MG) and 'Glamour Sale' (CO), good \$9,700.

Newman (Par) (1,900; 10-28-44)—'Knute Rockne' (WB) (2d wk). Will carry on to \$5,200, after inaugurating got sturdy \$5,500.

Orpheum (RKO) (1,500; 10-28-44)—'Kit Carson' (UA) and 'Queen Destiny' (RKO). Second time recently a United Artist release has been spotted in here instead of the Midland, where they habitually play. Satisfactory \$5,800. Last week, 'Pastor Hall' (UA) and 'River's End' (WB), so-so \$5,500.

Tower (Joffe) (2,110; 10-30)—'Ride Tenderfoot' (Rep) with Bowes and Beery unit on stage. Names of both Artist and Bowes lift pace, bit here and \$6,000 better recent takes. Last week, 'Margie' (U) film with Don Zelaya heading stage bill, fair \$6,000.

'ROCKNE' HEFTY \$14,000 TO LEAD FAIR BALTO

Baltimore, Oct. 22. Only fair action here, with exception of 'Knute Rockne' at the Stanley, which is chalking up an impressive take. 'They Knew What They Wanted', at the combo Hipp, is attracting an adult play mostly on Wednesday.

Considerable shifting of dates at Keith's pulled out 'Argentine Nights' Tuesday (15) prematurely, putting in 'A Little Bit of Heaven' on heels of ambitious ballyhoo stirred up by Milt Crandall, who grabbed off considerable share but not much action at the b.o. Pastor Hall' set to open tomorrow (Wed.).

Estimates for This Week
Century (Loew's-UA) (3,000; 15-28-44)—'Westerner' (UA). Getting mild response to possible \$10,000. Last week, second of 'Strike Up Band' (M-G) added steady \$7,300 to strong opening of \$13,600.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66)—'They Knew What They Wanted' (RKO) plus vaude. Getting nocturnal response and a building prospect, \$13,000. Last week, 'Howards Virginia' and vaude, disappointed with mild \$11,400.

Keith's (Schanberger) (2,406; 15-28-39-44)—'Pastor Hall' (UA). Opening strong, after \$13,600. Quick booking of 'Little Bit of Heaven' (U) fell down to uneventful \$6,000, in spite of extra heavy publicity effort. Preceding 'Argentine Nights' fell down at \$3,900.

New (Mechanic) (1,581; 15-28-39-44)—'Argentine Way' (20th) (2d wk). Holding very nicely at \$4,500, after good opening round to \$6,900.

Stanley (WB) (3,280; 15-28-39-44-55)—'Knute Rockne' (WB). Leading town in racy style at \$14,000. Last week, second of 'City Conquest' (WB), added alright \$4,800 to good opening sesh at \$9,100.

First Runs on Broadway (Subject to Change)

Week of Oct. 24
Astor—'Great Dictator' (UA) (2d wk).
Capitol—'Great Dictator' (UA) (2d wk).
Criterion—'World in Flames' (Par) (23).
Globe—'Night Train' (20th) (26).
Music Hall—'The Westerner' (UA).
(Reviewed in Variety, Sept. 25)

Paramount—'Arise, My Love' (Par) (2d wk).
Rialto—'Meet the Wildcat' (U) (22d).
Mivell—'Long Voyage Home' (UA) (3d wk).
Roxey—'Down Argentine Way' (20th) (3d wk).
Strand—'Knute Rockne—All American' (WB) (2d wk).

Week of Oct. 31
Astor—'Great Dictator' (UA) (3d wk).
Capitol—'Great Dictator' (UA) (3d wk).
Criterion—'World in Flames' (Par) (2d wk).
(Reviewed in Variety, Oct. 16)

Globe—'Night Train' (20th) (2d wk).
Music Hall—'The Westerner' (UA) (2d wk).
Paramount—'Arise, My Love' (Par) (3d wk).
Rialto—'Mexican Spitfire Out West' (RKO) (26).
Mivell—'Long Voyage Home' (UA) (4th wk).
Roxey—'Down Argentine Way' (20th) (3d wk).
Strand—'Knute Rockne—All American' (WB) (3d wk).

'WANTED' FAIR \$13,500 IN PITT

Pittsburgh, Oct. 22. Biz sagging in the middle again after showing encouraging signs of an uptake for couple of straight weeks. Weather can take a bow, however, for this week's sloppy performances. Snowstorm coming out of nowhere over weekend put the crimp in everything and sloughed downtown generally and nabes as well. Return of Indian summer again, however, (21) brought better results and there's a chance slack may be pulled up down the stretch.

Penn doing pretty good with 'They Knew What They Wanted', but hardly up to either marquee draw or criss craves, with a p.a. by Laughton on Saturday (19) accounting for at least an extra couple of grand. Running bigger better a close second is Alvin, with 'Down Argentine Way'.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50)—'Argentine Way' (20th) (2d wk). No trouble doing \$11,000 and may go over that, with second week assured and third at Senator more than likely. Last week, second of 'Hired Wife' (U), very good at \$6,900 after \$9,800 opener.

Fulton (Shea-Hyde) (1,750; 25-40)—'Pastor Hall' (UA) (2d wk). Not holding up as well as expected, but tomorrow (23) for 'Spring Parade' (U). Will do around \$3,000, sharp drop on heels of surprising \$6,800 for getaway sesh.

Penn (Loew's) (3,300; 25-35-50)—'Knew What They Wanted' (RKO). Should grab around \$13,500, which is bit better than just fair. Feeling is that some subjects aren't good b.o. these days and 'Wanted' is certainly no comedy. Last week, 'Rangers Fortune' (Par), terrible, under \$6,500.

Ritz (WB) (800; 25-35-50)—'City Conquest' (WB) (2d run). Third week downtown, Cagney-Sheridan starrer having previously played Stanley and Warner. Hasn't run out its first run string yet, as pretty good \$7,700 will testify. Last week, 'Strike Up Band' (M-G), good \$3,000.

Senator (Harris) (1,700; 25-35-50)—'Hired Wife' (U). Shut down for five months, house suddenly reopened this week with one day's notice to take over 'Wife', which delivered third week at Alvin. Should do around \$4,000, not bad. House stays lit now, playing h.o.'s from Alvin and sluff two-features.

Stanley (WB) (3,600; 25-35-50)—'Knute Rockne' (WB) (2d wk). Doing just about half what picture did at opener. Heading for around \$11,000, and nobody's going to complain too much about that. Last week was over-estimated somewhat. Got about \$21,000.

Warner (WB) (2,000; 25-40)—'Haunted Honeymoon' (M-G) and 'Comin' Round the Mountain' (Par). Doing fair enough, with most of credit going to 'Mountain', which has been getting action in the territory on the strength of the hillbilly radio town in racy style at \$4,000. Last week, second of 'City Conquest' (WB), h.o. from Stanley, good \$5,300.

N. Y. Big, Chaplin's Capitol Record At \$106,000, and \$20,000 at Astor; 'Arise' \$60,000, 'Knute'-Herman, 45G

(Best Exploitation: Astor-Capitol)
Charlie Chaplin's 'Great Dictator', at the Astor and Capitol on its first dates anywhere, is burning up a lot of New York coin but several other houses which have shows with more than the ordinary pull are seemingly not suffering from an interference. Cold weather and large weekend crowds in a spending mood, including again a lot of out-of-towners, are the factors before it folds, have reacted favorably at the boxoffice. Tourists are no doubt finding time to see some of the pictures.

'Dictator' had its premiere Tuesday night (15). Not counting the openings, which included much invitation paper, 'Dictator' starts its regular week on Wednesday. At \$106,000, it has topped the Capitol's previous high of \$105,000 having been established by a Garbo picture some years back. The first six days at the Astor, through Monday (21), the Chaplin film had garnered \$120,000.

Doing seven shows a day at the Cap at 75c mats and \$1.10 evenings, including midnight shows every evening, 'Dictator' has had a strong opening Wednesday (16), fell off on Thursday and Friday, but came back powerfully on the weekend. Business on Monday (21) was the lowest on the lowest week.

At \$106,000 on the initial week, 'Dictator' compares with 'Gone With the Wind's' \$75,000 on the first seven days. Latter was unable to get the same turnover.

At the Astor the Chaplin picture is doing two shows during weekdays at a \$2.20 top and three on Saturdays at \$2.50. It has topped the Astor on all seven and for its capacity at the Astor was \$20,700, but on its first week, with sale of some standing room, the gross was \$21,200.

Chaplin's first four consecutive full seven days in view of three shows on Saturdays and Sundays, business being capacity, including sale of the badly-located box seats and some standing room.

Despite the inroads on wallets by 'Dictator', there seems to be plenty to go around for other shows which have h.o. strength.

'Arise, My Love', with Jon Hall, Frances Langford and the Tommy Reynolds band, is turning the trick in smash style at the Paramount, where it kicked its first week last night (Tues.) at \$60,000. This is the biggest non-holiday week house has had under its five-year policy of pit

turnover. The four consecutive, with holidays figuring, has the gross been over \$60,000.

Strand has 'Knute Rockne' and the Woody Herman orchestra, which also is soaking through smartly in spite of the fact the picture is attracting a vast majority of men. All indications point to \$45,000 or over the first week, which is excellent business.

Still another picture that is shaking money loose from the fans is 'Down Argentine Way' at the RKO. 'Rockne' (WB) has hit about as strong going. This show as well as those at the Par and Strand will hold over.

State is also right up there with the winners. Currently playing 'Boom Town' and the Benny Davis revue, it is clocking 'em in bunches for \$30,000 or better, very good. House also had a corking stanza last week with 'Argentine Nights' first-run and 'George Jessel', strong finish sending the take to almost \$35,000.

Music Hall winds up a 14-day run tonight (Wed.) with 'They Knew What They Wanted', which got \$85,000 the first week and will be about \$70,000 on the holdover.

Powerful exploitation and publicity figured for 'Dictator' and 'Arise' also a lot of money was spent in advertising.

Taboo for several years the use of stars or other reviewer symbols in advertising, out front or in papers, may now be utilized by all Broadway theatres, if desiring. Idea of hanging stars on the outside of a view to knocking them out of reviews but in this objective there has been no success.

The Rivoli, which claims it was no part of the scheme, used a symbol rating on 'Long Voyage Home' and the Par followed suit on 'Arise My Love', this leading to the end of the ban by others. Lesser Broadway houses have used the stars now and then right along.

Estimates for This Week
Astor (1,102; 75-85-110-165-220)—'Dictator' (Capitol) (2d wk). Capacity here, including sale of boxes which are not desirable, plus some standees; on first six days through Monday (21), \$20,000. Picture is doing two shows a day and three on Saturdays-Sundays. Advance sale reported very heavy.

(Chaplin-UA) (2d week). Starting its special preem Tuesday evening (15), Chaplin comedy begins its first holdover today (Wed). The initial week through last night (Tues.) was \$106,000, a new Par and on stage, compares with \$75,000 first week for 'Gone' (M-G) which played four shows daily here as against seven for 'Dictator'.

Criterion (1,682; 28-44-55-65)—'World in Flames' (Par). Opens here today (Wed.), following a fair week, nearly \$7,000 with 'Quarterback' (Par) (2d wk) and, on stage, 'M-G' (2d wk), over \$8,000.

Globe (1,180; 28-35-55)—'Captain Caution' (UA). Looks for about \$7,000 okay. Last week, 'Let George Do It' (FA) was \$6,000.

Palace (1,700; 28-35-55)—'Brigham Young' (20th) (2d run) and 'Great Profile' (1st run), dualed. Not more than about \$8,000 indicated for this pair, okay. Last week, 'Ramparts' (RKO) (2d run) and 'Dance, Girl' (RKO) (1st run), \$9,000, good.

Paramount (3,664; 35-55-65-99)—'Arise My Love' (Par) (2d wk). Frances Langford, Jon Hall and Tommy Reynolds orchestra (2d week). Begins holdover today (Wed.). On the Par, has strong through last night (Tues.), a powerful money-getter, adding to \$60,000. This is the best non-holiday biz the house has done under its present policy, now near five years old.

Last week, second for 'I Want Divorce' (Par) and Frankie Masters, Jane Froman, Three Stooges, \$26,500, minor profit.

Radi City Music Hall (5,960; 44-55-65-99-165)—'Knew What They Wanted' (RKO) and stage show (2d final week). Restrained on holdover somewhat to \$70,000, but a good first seven days' take of \$85,000.

'Westerner' (UA), long ready, opens tomorrow (Thurs.).

Rialto (750; 28-44-55)—'Meet Wildcat' (U). This picture, which opened (Tues.), 'Still Alive' (RKO), proved slow, \$5,000, while ahead of that 'Diamond Frontier' (U) on 8 1/4 days good \$9,000.

Rivoli (2,092; 35-55-75-99)—'Long Voyage Home' (U) (3d wk). Finished second stanza last night (Tues.), showing pretty good strength at \$20,000 in view of competition. The first week, \$31,000, good.

Roxey (5,835; 35-55-75)—'Down Argentine Way' (20th) and stage show, which is kicking through smartly, better, away over the house average for this year, and will hold. Second week for 'Spring Parade' (U), \$41,000.

State (3,400; 28-44-55-75-90-110)—'Boom Town' (M-G) (2d run) and the Benny Davis Revue. Plenty of folks are lining past the b.o. for a strong \$30,000 or more. Last week, the second of the Jewish holidays, 'Argentine Nights' (U) (1st run) and George Jessel, with latter credited for much of the draw, big \$35,000. Show finished very close to a sock weekend take of over \$15,000, which is really jamming 'em in.

Strand (2,767; 35-55-75-99-99)—'Rockne' (WB). Last week, Herman orchestra; Although not getting as many women, there are plenty of males to sell tickets to; on the first week, a very fine \$45,000 is indicated. Last week, \$45,000. Last week, with guest conductors subbing for the hospitalized Byrne, close to \$25,000.

'CORRESPONDENT' NIFTY \$24,000 IN BROOKLYN

Brooklyn, Oct. 22. Major boxoffice indication, this stanza is 'Foreign Correspondent', at Loew's Metropolitan. Second best bet is at Fabian Fox, showing 'Howards Virginia' and 'Quarterback'.

Estimate for This Week
Albee (RKO) (3,270; 25-35-50)—'Argentine Nights' (U) and 'Chan Wax' (20th). Satisfactory \$19,500. Last week, 'Brigham Young' (20th) and 'Great Profile' (20th), okay \$16,500.

Fox (Fabian) (4,089; 25-35-50)—'Howards Virginia' (Col) and 'Quarterback' (Par). Strong \$23,000. Last week, 'Want Divorce' (Par) and 'Stranger Third Floor' (Rep), fine \$17,000.

Met (Loew's) (3,618; 25-35-50)—'Foreign Correspondent' (UA) and 'We are Young' (M-G). Splendid \$24,000. Last week, 'Boom Town' (M-G) (2d wk), first-rate \$18,500.

Paramount (Fabian) (4,126; 25-35-50)—'City Conquest' (WB) and 'Earl Puddleston' (20th). Good \$19,000. Last week, winning \$25,000.

Strand (WB) (2,870; 25-35-40)—'Mystery Sea Raider' (Par) and 'Bedtime for Mr. Black' (Par), okay \$5,000. Last week, 'Caroline Moon' (Rep) and 'Girl Goes Country' (Rep), so-so \$4,500.

Mpls. Scraping Bottom; 'Rockne' Good \$8,000, Temple N.G. \$1,500

Minneapolis, Oct. 22.—Bottom seems to have fallen out of grosses, especially in recent weeks which have witnessed progressively worse boxoffice returns, with even general business picture here is bluish tinted and conscription and election uncertainties, real estate tax payment and lack of any considerable U. S. defense spending in this region are blamed.

A sign of the depressed conditions is the fact that the first football exodus—this time to Columbus, Ohio—the past weekend was considerably smaller than usual. Despite the importance of the Ohio State-Minnesota game and the vast amount of local interest in it, the only special train scheduled had to be called off.

Two of the film newcomers, 'Knute Rockne' and 'The Return of Frank James', will make respectable boxoffice showings, without, however, garnering anywhere near what they deserve.

Estimates for This Week

Alvin (Hirsch-Cat) (1,400; 28-44-55)—Melody Moonlight (Rep) and Jackie Heller and revue on stage. Vaudeville proving better supplement for line of girls and flash production numbers than usual. Some good cast names and pretty good \$4,500 indicated. Last week, 'Three Faces West' (Rep) and 'Vanities Moderne' on stage, \$3,000, poor.

Astor (Par-Singer) (900; 15-28)—'Girl Avenue' (20th) and 'Scar Murder' (M-G), dual first-runs. In for five days and headed for good enough \$1,500. Last week, 'Charlie Chan Wax' (20th) and 'Slightly Tempted' (U), dual first-runs, bluish with 'Glamour Sale' (Col) and 'Gay Caballero' (20th), also dual first-runs, \$1,800, okay.

Century (Par-Singer) (1,000; 28-39-44)—'No Time Comedy' (WB). Some good cast names and pretty good \$4,500 indicated. Last week, 'Man Married' (20th), out after six days, \$2,000, bad.

Equipe (Gillman) (290; 28-39-44)—'The Ape' (M-G). This is the type of picture that clicks here where customers seem to want the horror stuff. May reach nice \$900, helped by presence of Karloff. Last week, 'Ramparts' (RKO) (4th wk.), out after five poor days, \$300, following three big weeks at World.

Gopher (Par-Singer) (900; 28)—'Young People' (20th). Shirley Temple's star apparently has set here and poor \$1,500 will be all. Last week, 'Quarterback' (Par), six days, poor, \$2,600.

Orpheum (Par-Singer) (2,800; 28-39-44)—Return of 'Frank James'. Voted a good picture, but inferior to the original James' film. Will be poor at \$4,000. Last week, 'Howards Virginia' (Col), \$4,600, bad.

State (Par-Singer) (2,900; 28-39-44)—'Knute Rockne' (WB). Easily the picture of the week here and getting particular attention from the army of gridiron fans. Some appeal, too, for the Scandinavian population. However, limited female pull probably will keep gross down to good \$8,000. Last week, 'Strike Up Band' (M-G) (2nd wk.), \$6,700, good, after big \$10,400 first week.

Uptown (Col) (200; 28-39)—'Rhythm River' (Par). First neighborhood showing. Looks like fine \$3,000. Last week, 'Sea Hawk' (WB), first neighborhood showing, \$2,600, good.

World (Par-Singer-Steffes) (350; 28-39-44-55)—'Howards Virginia' (Col). Moved here from Orpheum where it fared none to well. Mild \$1,800 in prospect. Last week, 'Lady Question' (Col), \$900, poor.

'REUTER'S' NICE \$5,000 IN IMPROVING MEMPHIS

Memphis, Oct. 22.—Films this week are generally above par, with boxoffices responding accordingly. 'Down Argentine Way' and 'Moon Over Burma' are pace-setters, with the former out somewhat in front at Loew's Palace, while the latter is doing okay for the New Melba.

Warner's 'Dispatch from Reuter's' is getting its share of the take.

Estimates for This Week

Loew's State (Loew) (2,600; 10-33-44)—'Dreaming Over Burma' (RKO), four days; 'Men Against Sky' (RKO), three days. Lum and Abner road following may get this one up to \$2,500, fair trade. Last week, 'Third Finster' (M-G), \$7,000, very good.

Warner (Warner) (2,300; 10-33-44)—'Dispatch Reuter's' (WB). Good campaign may gear this one up to \$5,000. Last week, 'Rockne' (WB) (2nd wk.), \$3,800, good for h.o.

New Melba (Lightman) (2,800; 10-33-44)—'Moon Burma' (Par). Lamour's good notices are helping, maybe to \$6,000. Last week, 'Rangers Fortune' (Par), \$4,000, weak.

Loew's Palace (Loew) (2,200; 10-

33-44)—'Argentine Way' (20th). Latin musical has been popular note here and might get \$6,500. Last week, 'Strike Band' (M-G) (2d wk.), \$4,000, so-so.

Strand (Lightman) (1,000; 10-22-33)—Return of 'Frank James' (2d run), three days; 'We Young' (M-G), two days, and 'Courageous Dr. Christian' (RKO), two days. Good week at \$1,800. Last week, 'Carolina Moon' (Rep) and 'Leather Pushers' (U), split, \$1,600, okay.

CROSBY, \$11,000, CLICKS IN CINCY

Cincinnati, Oct. 22.—'Rockne' is kicking a goal for the Palace and 'Rhythm on River' in an Albee click. They are mainstays in keeping current main-stream traffic from slipping behind last week's mild combo take.

This week's other fresh releases, 'Dulcy' at Keith's, and 'Bit of Heaven' in Lyric, are down under. Continued stretch of exceptionally high temperature for this season dejected general biz over the weekend.

Estimates for This Week

Albee (RKO) (3,300; 33-40-50)—'Rhythm River' (Par). Crosby okay \$11,000. Ditto last week on 'Third Finster' (M-G).

Capital (RKO) (2,000; 33-40-50)—'Third Finster' (M-G). Moveover from Albee. Fairly good \$4,500. Last week, 'Spring Parade' (U), second week of second run, mild \$3,000.

Family (RKO) (1,000; 15-28)—'Triple Justice' (RKO) and 'Who Is Guilty' (Mono), split with 'Man From Monterey' (WB) and 'Sailor's Lady' (20th). All right \$2,200. Same last week for 'Fugitive Prison Camp' (Col) and 'Way of Flesh' (Par), divided with 'Girl Goes Country' (Rep) and 'Marked Men' (Ind).

Grand (RKO) (1,430; 33-40-50)—'Strike Up Band' (M-G) (2d wk.). Held over for second week after initial week at Palace, which fetched warm \$17,000. Sweil \$5,000. Last week, \$6,500.

Keith's (Libson) (1,500; 33-40-50)—'Dulcy' (M-G). N.g. \$4,000. Ditto last week on 'Pastor Hall' (UA). Lyric (RKO) (1,400; 33-40-50)—'Bit of Heaven' (U). Awful \$2,800. Same last week for 'Men Against Sky' (RKO).

Palace (RKO) (2,800; 33-40-50)—'Rockne' (WB). Bright \$12,000. Last week, 'Down Argentine Way' (20th), nice \$10,500.

Shubert (RKO) (2,150; 33-40-50)—'Down Argentine Way' (20th). Transferring from Palace for second week. Dull \$3,500. Last week, 'Bright Young' (20th) (2d run), slow \$3,000.

CAGNEY-SHERIDAN OKAY \$7,300, TOPS SEATTLE

Seattle, Oct. 22.—Tacoma, neighboring city, is stealing the spotlight this week from Seattle with premiere of 'Tugboat Annie Sails Again', heralding reception of a series based on the North-West's great contributions to action characters. Three theatres in Tacoma had this opus for Friday (18) initial showing, with many showmen from Seattle going to Tacoma for the event.

Locally, the Blue Mouse is dark for a week for a reshuffle on policy. With Music Box this Hamrick-Evergreen house has been the move-over spot. With new cooperative plan on Warner pictures, the Roosevelt, Sterling chain house (John Debnar) is this week getting moveover from Orpheum of Rockne. So at in-all the B. M. is being removed as a moveover house, and rumor says it will go pop price grind.

Blue Mouse (Hamrick-Evergreen) (850; 30-40-50)—Dark this week. Last week, 'Pastor Hall' (UA) \$2,500, slow.

Coliseum (Hamrick-Evergreen) (1,800; 20-35)—'Lucky Partners' (RKO) and 'Comin' Round Mountain' (Par) (2d run). Looking for good \$3,200. Last week, 'Frank James' (20th) and 'Pier 13' (20th) (2d run), \$2,700, good.

21st Avenue (Hamrick-Evergreen) (2,340; 30-40-50)—'Argentine Way' (20th) and 'Profile' (20th) (2d wk.). Registering \$4,500, okay, on six days. Last week, \$6,000.

Liberty (J-VH) (1,650; 30-40-50)—Howard (Col). Fine \$6,500. Last week, 'Correspondent' (UA) (3d wk.) \$4,100, okay.

Musio Box (Hamrick-Evergreen) (850; 30-40-50)—'Strike Band' (M-G) (4th wk.). Expected good \$2,500 for six days. Last week, \$3,200, great.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'City for Conquest'

(WB) and 'Slightly Tempted' (U). Indicate neat \$7,300, mostly based on Cagney. Last week, 'Rockne' (WB) and 'Karanga' (U) (six days, 2d wk.). Big \$5,100.

Palomar (Sterling) (1,350; 30-40-50)—'River's End' (WB) and 'Money and Women' (WB) with vaude. Paced for \$5,500. Last week, 'Scatterbrain' (Rep) and 'Ride Tenderfoot' (Rep) with vaude, \$4,500, fair.

Paramount (Hamrick-Evergreen) (3,030; 30-40-50)—'Moon Over Burma' (Par) and 'Sky Murder' (M-G). Bidding for fair \$5,000. Last week, 'Spring Parade' (U) and 'Quarterback' (Par) (2d wk., six days) \$3,600, mild.

Roosevelt (Sterling) (800; 30-40-50)—'Rockne' (WB). Moved over from Orpheum, indicated good \$2,800. Last week, (20-35) 'Drive By Night' (Par) and 'Lindy Hop' (RKO), latter replaced 'Salute Takes Over' (RKO) last two days of okay week (2d run), garnering \$2,100.

Winter Garden (Sterling) (800; 16-32)—'Pride Prejudice' (M-G) and 'Blowing the Blues' (M-G) (2d run). Expected fair \$2,200. Last week, 'Debutante' (M-G) and 'Dr. Christian Meets Woman' (RKO) (2d run) big \$2,500.

CAGNEY-VAUDE NEAT 17G TO LEAD WASH.

Washington, Oct. 22.—'City for Conquest', backed by strong word of mouth on vaude bill, is leading town this stanza at the Earle. Pic drew second string critics on all four papers, but boys went to town on it as a sleeper, tossing in avalanche of adjectives also on Mario and Floria and Buck and Bubbles.

Second honors look divided between 'Westerner', at Palace, and 'Dulcy', with vaude at Capitol. They knew what they wanted. It's picking up rapidly at Keith's after slow start, latter particularly unexplainable in view of Laughton p.a. on opening day (18).

Capitol (Loew) (2,424; 28-39-44-66)—'Dulcy' (M-G) and vaude. Ann 'Maise' Sothen, as she's billed in the ads, is responsible for passable \$15,000. Last week, 'Bright Young' (20th) (2d run), average for first run, \$15,000.

Columbia (Loew) (2,234; 28-44)—'World Flames' (Par). World premiere bally, sneak preview and hefty ads quoting endorsements of official bigwigs, bolster newswell feature to \$4,000, average for first run, at class B spot. Last week, 'Frank James' (20th) (2d run), same figure.

Earle (WB) (2,216; 28-39-44-66)—'City for Conquest' (WB) and vaude. Excellent notices and word of mouth from both Cagney pic and stage, headed by Buck and Bubbles and Mario and Floria, will lead town with good \$17,000. Last week, 'Knute Rockne' (WB) and Andrews Sisters, swell \$21,000.

Keith's (RKO) (1,830; 39-55)—'Knew What Wanted' (RKO). Rave reviews and features on Laughton's p.a. opening day (18) sending show start toward strong \$12,000. Last week, 'Spring Parade' (U) (2d wk.), built to big \$9,000.

Met (WB) (1,600; 28-44)—'No Time Comedy' (WB) (2d run). Bad downtown after good week at Earle and will hit big \$6,000. Last week, 'Comin' Round Mountain' (Par), laughed at season's most brutal reviews for big \$5,000.

Palace (Loew) (2,242; 39-55)—'Westerner' (UA). Heading for average \$14,500. Last week, 'Strike Up Band' (M-G) (2d run), \$10,500, strong for repeater.

'Strike Up Band,' \$4,800, OK in Improving Lincoln

Lincoln, Neb., Oct. 22.—Better class films showered over theatre row this week, and biz is okay. Lincoln has 'Strike Up Band', Varsity, 'They Drive By Night', and Stuart with 'Moon Over Burma'.

Through the three-day spread, with the footbal fever in Kansas and little else for the theatre to do, every window got a nice share.

Varsity found part of the reticence on the part of spenders was due to the theatre's pickup in pace \$550 was noted immediately when lopped from 44c to 40c, with the house absorbing the Government tap.

Estimates for This Week

75th (Loew) (Monroe-Federer) (750; 10-15)—'Doodle Boodle' (RKO) and 'Mexical Rose' (Rep); split with 'O'Malley Mounted' (RKO) and 'Everything's Ice' (RKO). Alright \$900. Last week, 'Flying Irishman' (RKO) and 'Thundering West' (Col), split with 'Gambler Lady' (RKO) and 'Man Monterey' (WB), so-so \$700.

Lincoln (J. H. Cooper-Paramount) (1,500; 10-25-40)—'Strike Up Band' (M-G). A goodie at \$4,800. Last week, 'Knute Rockne' (WB), in 11 days, got \$7,000, very nice, but was fading fast when pulled.

Nebraska (J. H. Cooper-Paramount) (1,230; 10-20-35)—'Hunt Night' (20th) and 'Gay Caballero' (20th), split with 'Young People' (20th) and 'Pier 13' (20th). Okay \$2,500. Last

J. Dorsey-Caballero' Sock \$26,000 In Philly; Durbin Elegant \$18,000

'Rockne' All-American \$5,500 in Portland, Ore.

Portland, Ore., Oct. 22.—All but one major house holding pictures second stanza. Foreign Correspondent' still doing well in its third week at the Mayfair.

'Paramount opened 'Knute Rockne' to nice pickings as only new show of the week.

Estimates for This Week

Broadway (Parker) (2,000; 35-40-50)—'The Westerner' (UA). Holding a second week, with good \$3,500, after a worst first week at \$5,300.

Mayfair (Parker-Evergreen) (1,500; 35-40-50)—'Foreign Correspondent' (UA) (third week), with 'City Conquest' (WB) moved from the Paramount for second stanza. Make a good combo and will probably get nice \$3,200. Last week, 'Correspondent' with 'Diamond Frontier' (U) okay \$3,500.

Orpheum (Hamrick-Evergreen) (1,800; 35-40-50)—'Down Argentine Way' (20th) (2d week) with 'Yesterday's Heroes' (20th) (1st week), good \$3,000. Last week, 'One Crowded Night' (RKO) big \$4,500.

Paramount (Hamrick-Evergreen) (3,000; 35-40-50)—'Rockne' (WB) and 'Young People' (20th). Great \$5,500. Last week, 'City Conquest' (WB) and 'Quarterback' (Par) strong \$4,800. 'Conquest' moved to the Mayfair.

Palmer (Parker) (1,000; 35-40-50)—'Strike Band' (M-G) and 'Sky Murder' (M-G) (2d week). Rolling along towards fine \$4,000. First week did hearty \$5,200.

'WIFE-BREESE' \$16,500 CLEVE.

Cleveland, Oct. 22.—Comedy is the only commodity that seems to have a high theatrical value in this citadel of ecstasies, who are brushing off any serious or heavy stuff. Best proof that laughs are demanded here is found in strong turnouts for 'Hired Wife', in the lead at Palace, and 'Strike Up Band' at Stillman. Former tied with Lou Breese's orch, is RKO deluxer's best film draw of the season.

Both 'Wyoming' at State and 'Hired Wife' at Conquest are tied for second place, which means average money.

Estimates for This Week

Allen (RKO) (3,300; 30-35-42-55)—'Angels Broadway' (Col). Despite all the plugging for Ben Hecht's one-man show, just fair trade at \$3,500. Last week, 'No Time Comedy' (WB), on moveover, surprised with fine \$5,000.

Hipp (Warner) (3,700; 30-35-42-55)—'City Conquest' (WB). Considered one of Cagney's better action yarns and being repaid with \$10,000. Last week, 'Bright Young' (20th), poor \$7,000.

Lake (Warner) (900; 28-40)—'Blonde Servant' (Col) plus 'Pier 13' (20th). Latter turkey pulling down gross, but popular Dagwood Bumstead farce should be responsible for \$1,500, ordinary. Last week, 'Money Woman' (WB) and 'Stranger in the Floor' (RKO), poor \$1,000.

Palace (RKO) (3,200; 30-35-42-55)—'Hired Wife' (U) plus Lou Breese's orch and Hartmans on stage. Good laugh show and plenty power on screen. Going to \$16,500, excellent for this economical bill. Last week, 'Bali Bali' vaude unit sexed up, 'Great Profile' (20th) to worthwhile \$16,000.

State (Loew's) (3,450; 30-35-42-55)—'Wyoming' (M-G). Too hokey as home opera for house's clientele, but Beery name holding to average \$10,000. Last week, 'Strike Up Band' (M-G), \$15,500, fine.

Stillman (Loew's) (1,972; 30-35-42-55)—'Strike Up Band' (M-G). Last week, shiftover striking up swell \$7,000. Last week, 'Westerner' (UA) on h. o. landed okay \$5,000.

week, 'Girl Ave. A' (20th) and 'Millionaires Prison' (RKO), split with Dr. Christian Women (RKO) and 'Pop Pops' (RKO), \$2,300.

Stuart (J. H. Cooper-Paramount) (1,894; 10-25-40)—'Moon Over Burma' (Par). Looks a light \$3,200. Last week, 'Argentine Way' (20th), got only \$3,100.

Variety (Noble-Federer) (1,000; 10-20-25)—'Last August' (Col) and 'I'm Alive' (RKO). Looks pretty good, \$2,300. Last week, 'Glamour Sale' (Col) and 'Girls Road' (Col), in five days, \$1,800.

Variety (Noble-Federer) (1,100; 10-25-40)—'Bright Night' (WB). Getting its share, \$3,000. Last week, 'Stayed Breakfast' (Col), good, \$3,400.

Philadelphia, Oct. 22.—The Earle, vaudeville, again takes the money week, easily outdistancing other downtown deluxers. With Jimmy Dorsey's band topping the stage attraction and 'Gay Caballero' on the screen, the house looks for upwards of \$26,000.

Leading the straight six palaces is the Fox, with 'Spring Parade' and 'They Knew What They Wanted' at Boyd, in second position. 'Mummy's Hand' and 'Outsider', other two newcomers, are in so-so class.

Estimates for This Week

Aldine (WB) (1,300; 35-46-57-68)—'Angels Broadway' (Col) (2d wk.). Being yanked tonight (Tues.) after getting okay \$8,000 for this period. The Dictator' (UA) opens here tomorrow (Wed.) at increased prices. Last week 'Angels' did \$9,100.

Academy (Sabolosky) (600; 35-46-57)—'Great McGinty' (Par) (2d run). Opened Saturday (19) and looks like fair \$3,800. Last week, 'Boom Town' (M-G), mediocre \$2,000 for the second week at increased prices.

Boyd (WB) (2,500; 35-46-57-68)—'Knew What Wanted' (RKO). Hypoed by p.a. of Charles Laughton on opening day (17) and heading for satisfactory \$15,500.

'Strike Up Band' (M-G), hefty \$10,800 for third trip.

Earle (WB) (2,750; 35-46-57-68)—'Gay Caballero' (20th) with Jimmy Dorsey orch and stage show. Looks like sock \$26,000. Last week's take for 'Scatterbrain' (Rep) and George White 'Scandals' nice \$24,700.

Fox (WB) (2,423; 35-46-57-68)—'Spring Parade' (U). Durbin still a fave in Philly and getting elegant \$18,000. Last week's second try for 'Knute Rockne' (WB) still in chips with \$12,300.

Kauffman (WB) (1,066; 35-46-57-68)—'Outsider' (Alliance). Lean pickings for this first-runner at \$3,100. Even worse than the \$3,500 for the second run of 'Dulcy' (M-G) last week.

Keith's (WB) (1,970; 35-46-57-68)—'Knute Rockne' (WB) (2d run). Still scoring nicely with heavy \$6,300. Last week, 'Westerner' (UA), missed par with \$4,400.

Stanley (WB) (2,916; 35-46-57-68)—'Argentine Way' (20th) (2d wk.). Skidding to even \$10,000, after bullish \$18,000 for opening trip.

Stanton (WB) (1,457; 35-46-57)—'Mummy's Hand' (WB). Last week, getting fairish \$4,700. Last week, 'Dance Girl' (RKO), a shade better with \$4,900.

DURBIN'S PARADE NICE \$10,000 IN OMAHA

Omaha, Oct. 22.—Laughton-Lombard's 'They Knew What They Wanted', plus 'Ladies Must Lie', is topping the town. Deanna Durbin's 'Selling Fools' got swell notices and should give the Orpheum nice week.

They moved 'Rockne' to the Omaha from the Orpheum, but everybody seems to have seen the picture and it won't do much in five days.

Estimates for This Week

Broadway (Met-Singer) (1,500; 10-25-35-40)—'Knew What They Wanted' (RKO) and 'Ladies Lie' (WB). Very nice \$6,500. Last week, 'No Time Comedy' (WB) and 'Before Hang' (Col), good \$6,000.

Orpheum (Tristates) (3,000; 10-30-40)—'Spring Parade' (U) and 'Money Woman' (WB). Around \$10,000, nice. Last week, 'Rockne' (WB) and 'River's End' (WB), a good \$11,000.

Omaha (Tristates) (2,000; 10-30-40)—'Rockne' (WB) and 'River's End' (WB). Five days, around \$3,800, not much to brag about. Last week, 'Strike Up Band' (M-G), fine \$11,000 for nine days.

State (Goldberg) (900; 10-20-25)—'Turnabout' (UA) and 'Boys Sympathize' (Col), triple split with 'Pride Prejudice' (UA) and 'We Young' (M-G). To run around \$1,100. Last week, 'Heaven Too' (WB) and 'West Peppers' (Col), split with 'Lost Horizon' (Col) and 'Awful Truth' (Col), \$1,200.

Town (Goldberg) (1,800; 10-20-25)—'Stage to Chicago' (RKO), 'Private Affairs' (U) and 'Secret 7' (Col), triple split with 'Valley Lawless' (Cap), 'Girl Mexico' (RKO) and 'Dawn Patrol' (WB), and 'Carolina Moon' (Rep), and 'Four Sons' (20th). Around \$1,100. Last week, 'Pride Wouldn't' (Cap), (20th), 'Colorado' (Rep) and 'Pago, Pago' (UA), triple split with 'Borden Caballero' (Ind), 'Girl Gambler' (RKO), and 'Arizona Frontier' (M-G), \$1,200.

(20th), and 'Soch Karanga' (U), pretty good \$1,300.

Avenue-Military-Dundee (Goldberg) (950-500-600; 25)—'Pride Prejudice' (UA) and 'M-G' (20th), split with 'Lost Horizon' (Col) and 'Awful Truth' (Col). Pretty good \$1,300. Last week, 'Heaven Too' (WB), \$1,200.

Variety (Noble-Federer) (1,100; 10-25-40)—'Bright Night' (WB). Getting its share, \$3,000. Last week, 'Stayed Breakfast' (Col), good, \$3,400.

'Comedy'-Morgan-Murray, \$23,000, Top Slow Det.; '3d Finger'-Dulcy, 11G

Detroit, Oct. 22. What with football, the auto show, bunn weather and general gloom of coal in bins, business in the picture houses here is in the doldrums. There has been a general decline since the late lamented World's Series in these parts. Michigan should catch a nice week with 'Comedy of No Time for Comedy' and Russ Morgan orchestra—Ken Murray. Fox has brought in lighter stuff with 'Down Argentine Way' and 'So You Won't Talk' and United Artists in the comedy vein with 'Third Finger, Left Hand' and 'Dulcy', which puts all the new product in Detroit on the merry side. 'Strike Up the Band' goes for a fourth week here, moving from the United Artists to the Palms to continue its run.

Estimates for This Week
Adams (Halaban) (1,700; 30-40)—'Knew What I Wanted' (RKO) and 'Great Profile' (20th). Moved over after fair week at Fox. Expectations of fair \$5,000. Last week, 'Argentine Nights' (U) and 'Mummy's Girl' (U), former moved from Fox, dull \$4,500.

Fox (Fox-Michigan) (5,000; 30-40-55)—'Argentine Way' (20th) and 'So Won't Talk' (Col). Will come out with around fair \$15,000. Last week, 'Knew What I Wanted' (RKO) and 'Great Profile' (20th), ditto.

Michigan (United Detroit) (4,000; 30-40-55)—'No Time Comedy' (WB) and Russ Morgan orch. and Ken Murray on stage. Should get nice \$22,000. Last week, 'Strike Up the Band' (U) and 'Quarterback' (Par), emerged with \$14,500, sluggish.

Palms-State (United Detroit) (3,000; 30-40-55)—'Strike Up Band' (U) and 'Mystery Sea Raider' (Par). After three weeks draw at United Artists, former pic may help this along to o.k. \$6,000. Last week, 'Lucky Partners' (RKO) and 'Bugs Fortune' (Par), ordinary \$4,500.

United Artists (United Detroit) (2,000; 30-40-55)—'Third Finger' (M-G) and 'Dulcy' (M-G). Seems headed for nice \$11,000. Last week, 'Strike Up Band' (U) and 'Quarterback' (Par), wound up with \$6,500 after earlier stanzas of \$9,000 and \$15,000.

LOMBARD-LAUGHTON BIG \$8,300 ON PROV. BALLY

Providence, Oct. 22. **(Best Exploitation: RKO Albee)**
'They Knew What They Wanted' is pacing RKO (Albee) and is drawing house something to smile about. 'Knute Rockne', at Majestic, still on touchdown run in second week.

A phone chain which eventually contacted 5,000 members of the Rhode Island Federation of Women's Clubs, gave a nice sendoff to RKO Albee's current show. Other tickets got added free space. Local press when manager George French and Bill Morton, house press agent, sponsored a Boston trip for local reviewers, who subsequently reported meeting Laughton and Laughton. Also a bit on the new side were tieups with the Brown University and Pembroke College broadcasting system and spotting of cars in department store tieups rounded out the program.

Estimates for This Week
Albee (RKO) (2,200; 28-39-50)—'Knew What They Wanted' (RKO) and 'Pop Pops' (RKO). Lombard-Laughton proving attractive to general public and promising hefty \$8,300. Last week, 'Argentine Nights' (U) and 'Diamond Frontier' (U), fairish \$5,700.

Key City Grosses

Estimated Total Gross
This Week \$1,768,000
(Based on 27 cities, 179 theatres, chiefly first runs, including N.Y.)
Total Gross Same Week
Last Year \$1,553,300
(Based on 28 cities, 176 theatres)

REUTER'S GOOD \$13,000 IN 2 HUB SPOTS

Boston, Oct. 22. 'Knute Rockne' is in the money at the Met this week with the football season underway. Holdover of 'Knew What They Wanted' is doing pleasing biz at the Memorial, while 'The Westerner' taking second money at the two Loew houses.

Estimates for This Week
Boston (RKO) (3,200; 28-39-44-55)—'The Ape' (Mono) and 'Drums Deser!' (Mono), with stage show topped by Mills Brothers, four days; and 'Blondie' (U) and 'Blondie Servant' (Col) (both 2d run), three days. Will take around \$8,000, good. Last week, 'Diamond Frontier' (U) with Sammie Kaye orch on stage, seven days, good \$15,000.

Fenway (M&P) (1,332; 28-39-44-55)—'Dispatch Reuter's' (WB) and 'Villain Pursued' (RKO). On the upbeat, around \$3,500. Last week, 'Knew What They Wanted' (RKO) and 'Kildare Home' (M-G) (both 2d run), \$4,500.

Keth Memorial (RKO) (2,907; 28-39-44-55)—'Knew What They Wanted' (RKO) and 'Great Profile' (20th), (2d week). Holdover flitting with okay \$12,000. First week, boosted by personal appearance of Charles Laughton (9) for two performances, tallied big \$19,400.

Metropolitan (M&P) (4,367; 28-39-44-55)—'Knute Rockne' (WB) and 'Calling Husband' (WB). Packing 'em in to tune of anticipated \$25,000. Last week, 'Down Argentine Way' (20th) and 'Sky Murder' (M-G), medium \$15,000.

Orpheum (Loew) (2,900; 28-39-44-55)—'Westerner' (UA) and 'Glamour Sale' (Col). Hefty night trade slightly off by tame daytime biz. Should garner around \$17,000, okay. Last week, holdover of 'Strike Up Band' (M-G) and 'Secret Seven' (Col) very good \$15,500.

Paramount (M&P) (1,797; 28-39-44-55)—'Dispatch Reuter's' (WB) and 'Villain Pursued' (RKO). Rather staunch about \$7,500. Last week, 'Westerner' (M-G) and 'Kildare Home' (M-G), dual, \$7,000.

Scollay (M&P) (2,538; 28-39-44-55)—'Rangers Fortune' (Par) and 'Quarterback' (Par) (both 2d run). Fairish about \$7,500. Last week, 'Bright Young' (20th) and 'Crowded Night' (RKO) (both continued run from Par and Fenway), \$4,000.

'Argentine Way' Strong \$10,000, Paces Denver

Denver, Oct. 22. All first runs, except the Denham, are doing above average business. 'Argentine Way' is drawing top money at the Denver.

Estimates for This Week
Aladdin (Fox) (1,400; 25-40)—'Westerner' (UA) after a week at the Denver, grossing nice \$4,000. Last week, 'Boom Town' (M-G), after two weeks at each the Orpheum and Broadway, good \$4,000.

Broadway (Fox) (1,040; 25-35-40)—'Strike Band' (M-G) and 'Golden Fleeing' (M-G), after two weeks at the Orpheum, good \$3,000 here. Last week, 'Howard' (Col) and 'Nobody's Sweetheart' (U) after a week at the Denver, fair \$3,000.

Daphn (Cockrill) (1,750; 25-35-40)—'Dancing on Dime' (Par), poor \$2,000. Last week, 'Moon Over Burma' (Par), nice \$7,600.

Denver (Fox) (2,525; 25-35-40)—'Argentine Way' (20th), neat \$10,000. Last week, 'Westerner' (UA) and 'Margie' (U) nice at \$10,000.

Orpheum (RKO) (2,600; 25-35-40)—'Knew What They Wanted' (RKO) and 'Mexican Spitfire' (U) West (RKO), good \$6,500. Last week, 'Bugs Fortune' (Par) 2d week, and 'Golden Fleeing' (M-G), nice at \$8,400.

Paramount (Fox) (2,200; 25-40)—'Angels Over Broadway' (Col) and 'Golden Glove' (Par), okay \$4,000. Last week, 'Diamond Frontier' (U) and 'Captain Is Lady' (M-G), good \$4,000.

Rialto (Fox) (978; 25-40)—'Howard' (Col), after a week at each the Denver and Broadway, and 'Girls of the Road' (Par), satisfactory \$2,300. Last week, 'Foreign Correspondent' (U) after a week at each the Denver and Aladdin, and 'Up in Air' (Mono), nice at \$2,250.

Estimates for This Week
Buffalo (Che) (3,200; 30-40-55)—'Dulcy' (M-G) and 'Glen Gray' orch. Smash show should crash through for around wallowing \$25,000. Last week, 'Rockne' (WB), satisfactory \$12,000.

L.A. Coming Out of Heat Wave OK; T. Dorsey-Lamour Torrid \$28,000, 'Conquest' Fair 17G, 'Bagdad' 11G

Broadway Grosses

Estimated Total Gross
This Week \$424,000
(Based on 12 theatres)
Total Gross Same Week
Last Year \$316,900
(Based on 12 theatres)

'RAMPARTS' FINE \$4,000 IN L'VILLE

Louisville, Oct. 22. Biz is shaping up well on the okay side, now that the weather has turned cooler. Past few weeks have been too hot for the advantage to pic houses, but evenings are tinged with a fall snap and turning 'em in to the film emporiums. Nothing much in town in the way of openings, so there should be no alibis from that angle.

Of the current crop, 'Down Argentine Way' is pulling the best gross at the Rialto. 'Wyoming' and 'Dulcy' at Loew's State, shaping up alright. 'Ramparts We Watch' is coping nice returns at the Strand, while h.o.s. are fully up to expectations.

Estimates for This Week
Brown (Loew's-Fourth Avenue) (1,400; 15-30-40)—'Third Finger' (M-G) and 'Glamour Sale' (Col). Should grab fair \$1,900 after a splendid week at Loew's State. Last week, 'Strike Band' (M-G) and 'Secret Seven' (Col), on second week, following moveover, excellent \$2,300.

Kentucky (Switlow) (1,200; 15-25)—'Stayed Bride' (U) and 'Comin' Out Mountain' (Par). Aiming at o.k. \$1,400. Last week, 'Heaven Too' (WB) and 'Girl Avenue A' (20th), split with 'All True' (WB) and 'Man Married' (20th), satisfactory \$1,300.

Loew's State (Loew's) (3,100; 15-30-40)—'Wyoming' (M-G) and 'Dulcy' (M-G). Indicates okay \$7,500. Last week, 'Third Finger' (M-G) and 'Glamour Sale' (Col), fine \$8,000 and moveover.

Mary Anderson (Libson) (1,000; 15-30-40)—'City Conquest' (WB) (2d wk). Still looks good enough to return \$2,500. Last week tallied swell \$5,000.

Rialto (Fourth Avenue) (3,400; 15-30-40)—'Argentine Way' (20th) and 'Still Alive' (RKO). General pace is better than in past few weeks. Indicative of swell \$9,000. Last week, 'Spring Parade' (U) and 'Nobody's Sweetheart' (U), plus March of Time, fine \$7,000.

Strand (Fourth Avenue) (1,400; 15-30-40)—'Ramparts' (RKO) and 'Mexican Spitfire' (RKO). Garnering attention and okay returns. Probably fine \$4,000. Last week, 'Quarterback' (Par) and 'Cherokee Strip' (Par), pulled okay \$3,500 to make house available for Masonic Grand Lodge convalee, poor \$2,000.

Los Angeles, Oct. 22. (Best Exploitation: Hawaii)

Despite a terrific heat wave on Friday and Saturday, (19), with the mercury touching around the 100 mark the second day, biz is holding remarkably strong. Most of the local first runs. With dropping of temperature towards evening Sunday, film houses did a corking good trade and takes were very good. In the first runs were normal or slightly above depending on the attraction. Aided by Tommy Dorsey's orch on the stage, the Paramount is headed for a terrific \$28,000. 'Down Argentine Way', at the State and Chinese, looks like comfortable \$25,000, and 'City for Conquest', at Warner day-dancers, will hit \$17,000 to after a poor start. 'Thief of Bagdad', on first week of two-day run at the Carthy Circle, should be fair \$11,000, of which \$4,500 was garnered at the \$5 premiere.

Hawaii management went the limit on exploitation for its Disney Festival and sewed up many spots which have been untouched by exploiters in recent months. Topy's dairy company brought milk bottle collar announcements to an estimated 55,000 homes, in addition to which delivery trucks of the concern were plastered with banners from all distributing depots for radius of 30 miles. Three cooperative broadcasts were aired.

Estimates for This Week
Carthy Circle (F-W-C) (1,518; 55c-83c-1.10-1.65)—'Thief of Bagdad' (UA). Following \$5 preem which grossed around \$4,500. Korda Technicolor remade sequel of the regular two-day run and looks headed for \$11,000 on first stanza.

Chinese (Grauman-F-W-C) (2,024; 30-44-55-75)—'Argentine Way' (20th) and 'Sky Murder' (M-G). UA house showing a little more strength currently and should wind up with satisfactory \$11,500. Last week, 'Westerner' (UA) and 'Yesterday's Heroes' (20th) fine eight day run with okay \$10,500.

Downtown (WB) (1,800; 30-44-55)—'City Conquest' (WB) and 'Nobody's Sweetheart' (U). Opened mildly and fair \$8,700 probable. Last week, 'Rockne' (WB) and 'Slightly Tempted' (WB) for five-day holdover, okay \$6,300.

Four Star (F-W-C) (900; 55-75)—'Foreign Correspondent' (UA) (4th wk). Starting to ease off and three or four weeks more the limit. Will annex around \$4,500 currently, against \$5,000.

Hawaii (G&S) (1,100; 30-44-55-75)—'Snow White' (RKO) and Disney Academy Winners shorts (2d wk). Holding steady on second week, with excellent \$4,200 in prospect. Trade again. First week hit big \$6,000.

Hollywood (WB) (2,756; 30-44-55)—'City Conquest' (WB) and 'Nobody's Sweetheart' (U). Held \$8,000 in sight. Last week, five day holdover of 'Rockne' (WB) and 'Tempted' (WB), so-so \$4,600.

Orpheum (Bway) (2,200; 30-44-55)—'Stargazer' (WB) (20th) and 'We Are Young' (M-G), dual, and stage show. Biz way off in common with rest of town and locally produced. Good musical failing to draw as hoped. Last week, \$8,000 in sight. Last week, 'Girl Havana' (Rep) and Abbott and Costello heading stage show, reached \$13,800, profit.

JESSEL, \$14,000, BUFFALO CLICK

Buffalo, Oct. 22. Ace cinema and stage shows are registering brilliant grosses at downtown wickets for the present canon. Glen Gray with 'Dulcy' is reeling off a rip-roaring stanza at the Buffalo, while George Jessel unit at the 20th Century also geared for plenty of pesos.

Estimates for This Week
Buffalo (Che) (3,200; 30-40-55)—'Dulcy' (M-G) and 'Glen Gray' orch. Smash show should crash through for around wallowing \$25,000. Last week, 'Rockne' (WB), satisfactory \$12,000.

Great Lakes (Shea) (3,000; 35-55)—'City Conquest' (WB) and 'Haunted Honeycomb' (M-G). Takings continue high for around bulgy \$10,000. Last week, 'Rockne' (WB) and 'Sky Murder' (M-G), over \$10,000.

Hipp (Shea) (2,100; 35-55)—'Rockne' (WB) and 'Argentine Way' (20th) (2d run). This dual a champ tigger at around \$10,000. Last week (30-45), 'Frontiersman' (20th) and 'Great Profile' (20th), fairish \$5,200.

Lafayette (Wayman) (3,300; 30-40)—'Spring Parade' (U) and 'Leather Pushers' (U) (2d wk). Stout holdover at \$7,000. Last week, over \$11,000.

20th Century (Dipson-Basil) (3,000; 30-40)—'Melody and Moonlight' (Rep) and George Jessel unit. Latter responsible for dandy \$14,000. Last week, 'Pastor Hall' (UA) and 'Earl and Lestrange' (Rep), fair enough \$7,000.

Estimates for This Week
Fox (F-W-C) (5,000; 35-40-50)—'Third Finger' (M-G) and 'Cherokee Strip' (Par). Hot weather denting mats, holding this to fair \$16,000. Last week, 'Knute Rockne' (WB) and 'Girl Havana' (Rep), okay \$18,000.

Biz is shaping up well on the okay side, now that the weather has turned cooler. Past few weeks have been too hot for the advantage to pic houses, but evenings are tinged with a fall snap and turning 'em in to the film emporiums. Nothing much in town in the way of openings, so there should be no alibis from that angle.

Of the current crop, 'Down Argentine Way' is pulling the best gross at the Rialto. 'Wyoming' and 'Dulcy' at Loew's State, shaping up alright. 'Ramparts We Watch' is coping nice returns at the Strand, while h.o.s. are fully up to expectations.

Estimates for This Week
Brown (Loew's-Fourth Avenue) (1,400; 15-30-40)—'Third Finger' (M-G) and 'Glamour Sale' (Col). Should grab fair \$1,900 after a splendid week at Loew's State. Last week, 'Strike Band' (M-G) and 'Secret Seven' (Col), on second week, following moveover, excellent \$2,300.

Kentucky (Switlow) (1,200; 15-25)—'Stayed Bride' (U) and 'Comin' Out Mountain' (Par). Aiming at o.k. \$1,400. Last week, 'Heaven Too' (WB) and 'Girl Avenue A' (20th), split with 'All True' (WB) and 'Man Married' (20th), satisfactory \$1,300.

Loew's State (Loew's) (3,100; 15-30-40)—'Wyoming' (M-G) and 'Dulcy' (M-G). Indicates okay \$7,500. Last week, 'Third Finger' (M-G) and 'Glamour Sale' (Col), fine \$8,000 and moveover.

Mary Anderson (Libson) (1,000; 15-30-40)—'City Conquest' (WB) (2d wk). Still looks good enough to return \$2,500. Last week tallied swell \$5,000.

Rialto (Fourth Avenue) (3,400; 15-30-40)—'Argentine Way' (20th) and 'Still Alive' (RKO). General pace is better than in past few weeks. Indicative of swell \$9,000. Last week, 'Spring Parade' (U) and 'Nobody's Sweetheart' (U), plus March of Time, fine \$7,000.

Strand (Fourth Avenue) (1,400; 15-30-40)—'Ramparts' (RKO) and 'Mexican Spitfire' (RKO). Garnering attention and okay returns. Probably fine \$4,000. Last week, 'Quarterback' (Par) and 'Cherokee Strip' (Par), pulled okay \$3,500 to make house available for Masonic Grand Lodge convalee, poor \$2,000.

Frisco Dull; 'Argentine Way' Big \$17,000, '3d Finger' Fair \$16,000

San Francisco, Oct. 22. Nothing to write home about this week. Thermometers are flirting with the 80's keeping folks outdoors and sloughing mats.

'Argentine Way' at Paramount, and 'Westerner' at United Artists, are getting best play. Hotels noting depress this week, too, natives apparently somewhat heavy-hearted over draft, politics and threat of war with Japan. Town also under wraps due to police curfew and gambling cleanup.

Estimates for This Week
Fox (F-W-C) (5,000; 35-40-50)—'Third Finger' (M-G) and 'Cherokee Strip' (Par). Hot weather denting mats, holding this to fair \$16,000. Last week, 'Knute Rockne' (WB) and 'Girl Havana' (Rep), okay \$18,000.

Golden Gate (RKO) (2,850; 39-44-55)—'Knew What They Wanted' (RKO) and 'vaude' (2nd wk). With town off, it's more economical to hold this one than open in a district just going by at \$10,500. First week, not counting preem, fine \$17,000.

Sale' (Col). Deanna Durbin still popular here, should get \$14,500. Last week (2nd), 'Hired Wife' (U) and 'So Won't Talk' (Col), took \$6,500.

Paramount (F-W-C) (2,740; 35-40-50)—'Argentine Way' (20th) and 'Quarterback' (Par). Latta American can motif setting big \$17,000. Third, final week of 'Strike Up Band' (M-G) fine \$10,000.

St. Francis (F-W-C) (2,470; 35-40-50)—'Knute Rockne' (WB) and 'Girl Havana' (Rep). Moveover from Fox getting okay \$6,000. Last week, 'City Conquest' (WB) and 'Gay Caballero' (20th), ditto.

United Artists (Cohen) (1,200; 35-40-50)—'Westerner' (UA). With Sam Goldwyn in town day before opening and resultant news breaks, escapist opera galloping to top notch \$11,500. Final final week of 'Foreign Correspondent' (UA) wound up with \$4,500.

Warfield (F-W-C) (2,680; 35-40-50)—'Flowing Gold' (WB) and 'Melody Moonlight' (Rep). Weakest bit house has had in some time. So-so \$10,000 in sight. Last week, 'No Time Comedy' (WB) and 'Queen of Yukon' (Mono), fair at \$12,000.

LOY-DOUGLAS, \$9,500, BEST IN SLOW INDPLS.

Indianapolis, Oct. 22. Boxoffices and the weather report are both about the same this week—cool.

Estimates for This Week
Circle (Katz-Dolle) (2,600; 25-30-40)—'Knute Rockne' (WB) and 'Money Woman' (WB). Okay \$8,500. Last week, plenty okay \$10,000.

Indiana (Katz-Dolle) (3,100; 25-30-40)—'Moon Over Burma' (Par) and 'Want Divorce' (Par). Fair \$6,800. Last week, 'Argentine Way' (20th) and 'Public Debt' (20th), okay \$7,200.

Loew's (Loew's) (2,400; 25-30-40)—'Third Finger' (M-G) and 'Glamour Sale' (Col). Loy-Douglas plenty good at \$9,500. Last week, 'Howard's Virginia' (Col) and 'Lady Question' (Col), below expectations at \$6,300.

Lyrie (Lyrie) (1,900; 25-30-40)—'Indiana' (Katz-Dolle) and 'Beverly' (Par). Talent Parade unit, weak \$8,000. Last week, 'Gay Caballero' and Ina Ray Hutton orch, fair \$9,200.

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A Variety' Mugg Goes to Church —And Thereby Hangs a Tale

By JOSHUA LOWE

Blackpool, England, Oct. 8.
'Come to church this morning' was the opening remark made by Bud Flanagan when spotting this VARIETY mugg recently.

'You mean synagogue, Bud,' said the mugg.

'No—church,' emphasized Bud.

On the principle of trying anything once, we went to church. St. Stephen's-on-the-Cliff, which is to British showfolk what New York's Little Church Around the Corner is to the Yankees, is operated by Canon Freshwater, who is a ringer for the late Fred Kitchin, but prefers to be likened to the late Sir Gerald Du Maurier, whom he also resembles.

This bill had real star material, competing with any attraction in town. (Since Blackpool has now superseded London as the show spot, that's saying something.) About those in evidence, besides Flanagan, there were Douglas Wakefield, Dave Morris, Fred Walsley, Doodles, the local circus clown, an institution in this burg; Tessie O'Shea, Joe Davis, Harry Korris, Morton and Kaye, Jack Hyllon's father, Iris Sadler, the John Tiller Girls and Tony Eaton, female impersonator, in the church choir. Hyllon, always in next-to-closing spot, came late from force of habit. Letter regretting absence, but stating he was with them in spirit, came from secretary of Variety Artists' Federation. (This might have hinted to some of the performers to come through with their VAF dues.)

Music by Billy Cotton Band
Music was provided by Billy Cotton and his band, who discarded the usual publishers' plugs on this auspicious occasion for Rimsky-Korsakoff's 'Hindu Chanson' and 'Hymn to the Sun,' with no bows or encores, which was tough on John Abbott, Francis, Day & Hunter's general manager, who almost shouted, 'Bill, give us the 'Woodpecker Song.'

Most coveted job, that of passing the offertory plate, was handled by Wakefield, Bud Flanagan, Dave Morris and this mugg, latter three with the most kosher pushes ever seen in this place of worship. Majority of showfolk were of the opinion Joe Davis should have been roped in on the offertory plate idea, for, as billboard champ, his was the steadiest hand there.

There is sprightliness, brightness and showmanship here, which is lacking in most churches. It even boasts a spotlight.

Dotted With Stage Names
Place is dotted with famous stage names, with massive window dedicated to John Huddleston and John Tiller, founders of Blackpool's famous 'Winter Garden.' It also sports a marble floor in memory of Mrs. John Tiller, who died in 1936, erected out of contributions received from Tiller gals all over the world.

Most important is altar dedicated to the Theatrical Profession, with marble panels containing names of over 700 world prominent stars who contributed to the building of this church, which cost nearly £250,000. Among the names are: Eddie Tuckey, Elsie Janis, Sybil Thorndyke, Fred Terry, Marie Tempest, George Arliss, Will Fyfe, George Robey, Noel Coward, C. B. Cochran, Bud Flanagan, Ivor Novello, Gracie Fields, George Formby, George Wood, Gladys Cooper, Leslie Henson, Ella Shields, Fred Duprez, Cicely Courtneidge and Sydney Howard. Jimmy 'Schnozzola' Durante's name is merely penciled in, awaiting the arrival of his check.

Monty Banks' Foreign Pictures Sales Plans

Lumont Enterprises Corp., with Monty Banks as one of principal directors, has been organized in New York for the purpose of distributing foreign-made films in U. S. and to buy and sell American product in Italy, France and Spain. Banks, who was in Great Britain in the film business most recently, is an Italian. Mario and Ferdinand V. Luporini are listed as other directors.
Sidney R. Fleisher filed the incorporation papers.

FREEMAN RENAMED

Aussie MPDA Again Sets Metro Representative

Sydney, Oct. 2.

Bernie Freeman, director of Metro in Australia, has been reappointed head of the Aussie Motion Picture Distrib Assn.

Freeman has a pretty hard job ahead owing to the general run of exhibs being strongly against 'high' terms asked by Metro for 'Wind' and other topline product. Exhibs are asking U. S. distributors, under the MPDA, banner, to reduce rentals, and to quit alleged 'gun-at-the-head' methods covering product prices for the new season.

G-B PROFIT AT \$2,185,024, OFF \$547,373

London, Oct. 8.

Gaumont-British yearly accounting to March 31 last indicates gross profit of \$2,185,024, a drop of \$547,373 over previous year. Net of \$748,156 is a decline of profit of \$441,400. A first preferred divvy is declared at 5 1/2%. Ordinary divvy was passed up, as expected.

Tivoli Spots 30 Acts On Bill Celebrating 50 Years of Vaude

Melbourne, Oct. 2.

Celebrating 50 years of vaude and vaude-revue in Australia, the Tivoli loop has roped in for a season a gang of oldtime vaudeurs, Priscilla Verne, Billy Davis, Lydia Thompson, Alfred Verne, Ted Tutty, Arthur Clarkson, Doris Tindall, Ethel Smith, Maude Fanning, Ward Lear, Millie Hansen and Wal Rockley. On twice-daily span, idea looks okay for extended run.

Modern-era players also on present bill include Bob Parrish, Len Young, Anita Martell, Gilbert and Howe, Junior Farrell, Kathleen Crawford, June Miller, Les Freedwell, Gloria Dawn, Elsie Crane, Roy Rene, Graham Wicker, Mollie Richardson, Cynia Ross, Tommy Noonan, Marie Doran, Sydney Wheeler and Billy Kershaw.

This is one of the biggest—if not the biggest—lineups of talent ever spotted on a single bill here. Following Melbourne run, unit moves to Sydney. Show was devised and produced by Wallace Parnell.

REG ARMOUR MAY HEAD RKO SALES IN BRITAIN

Visit of Reginald Armour, European head of RKO, to New York this week, first made since the big Nazi warfare started in Europe, is linked with the naming of a successor to Ralph Hanbury, RKO's manager in England, who was killed by German bombs near London Sept. 26. He is scheduled to arrive in U. S. Friday (25) from Lisbon while Phil Reisman, RKO's foreign chief, is due in from his Latin-American tour either Oct. 26 or 27.

No successor was named to the post made vacant by Hanbury's death, company deciding to delay appointing a new manager in Great Britain until Reisman returned from South America. Armour remained in Lisbon instead of returning to U. S. Understood he may be moved to the British post or headquarters in London and handle both Great Britain and the remaining European market.

India Has Film Board

Bombay, Oct. 1.

A film advisory board has been formed. Bombay to advise the government on war publicity through films.

Also will assist in production, importation, and distribution of certain films.

They're Finally Off

Ludwig 'Laudy' Lawrence, Metro's European manager, and Louis Chaitain, company's manager in France, clipped for Europe Sunday (20) afternoon. They had been booked to go last Wednesday (16), but the plane was delayed until Sunday due to weather.

Both Metro officials are going abroad to liquidate holdings in Belgium, Holland, France and in other territories where the company no longer is distributing.

JOHN MAXWELL SUCCESSORS IN ABPC

London, Oct. 22.

It's practically certain that R. G. Simpson, representing certain banking interests, and W. D. Scrimgeour, replying some trusts, will be respectively appointed chairman and managing director of Associated British Picture Corp. in place of John Maxwell, who occupied both positions.

Both are directors of Associated British.

LONDON NABES DOING BIG BIZ

London, Oct. 8.

West End's hard-hit air raid sessions have been a blessing to nabes, which have been doing big far in excess of expectations with the import of the 9 p.m. London closing.

Biz being done by the nabes is viewed optimistically by the trade as indicative of an upturn in film-going, governed by a less scary idea of Nazi plane visits.

WB NAMES SCHLESS FOREIGN DISTRIB BOSS

Robert Schless, Warner Bros. European manager, was named head of foreign distribution this week. Announcement was made by Harry M. Warner after several weeks in which a foreign department shake-up at Warners had been reported.

Schless had been mentioned as the most likely candidate for the job. Schless' supplants Joe Hummel, who remains as assistant in the foreign department. Hummel was moved up to the top spot when Sam E. Morris resigned because of ill health. Max Milder, head for Great Britain, remains in that post. Karl Macdonald, assistant to Hummel, probably will remain in the foreign department, likely as special home office representative.

Pascal Completes 'Major Barbara' Pic

London, Oct. 22.

Gabriel Pascal completed his production of 'Major Barbara' on Sunday (20) and is now conferring with Oscar Deutsch, head of the Odeon film theatre circuit, to play four weeks in the West End—a pre-release arrangement at the Odeon theatre in December. Pascal is attempting to remain here for the premiere but, nevertheless, is making arrangements to sail for the United States in the middle of December with a lavender print for United Artists.

There's considerable speculation as to the date of 'The Great Dictator' premiere here, but it's understood that it'll succeed 'Barbara' at the Odeon, probably doubling in another house. Gaumont-British is also dickering for the Chaplin film.

M. of T. to Cover Aussie

Sydney, Oct. 2.

At the invitation of the Commonwealth government, a March of Time unit is expected to clipper here shortly to cover Australia's war effort, industrial and military.

Anti-Jewish Film-Radio-Press Law In France Hits Pix Biz the Hardest; Relatively Few in Radio and Legit

LONDON GIVES WILLINGLY Exhibs Stage Shows to Buy RAF Fighter Planes

London, Oct. 8.

Enthusiasm of pic-goers at backing up funds started by local exhibs to purchase fighter planes for Royal Air Force, has seen a flock of performances going the contribution route all over the country.

Houses stage shows perhaps, one day or a whole week for the aircraft fund, depending on status of the hall and whether indie or circuit owned. Excise department has assured exhibs such performances will be free of entertainment tax.

LONDON SHOWS IN SUBURBAN SHIFTS

London, Oct. 8.

Expected legit hegira in parts north of the metropolis got underway, with production plans announced on three West End hits that were blitzed. 'Thunder Bolt' has opened an Edinburgh run with finite Michael Redgrave; 'David's Disciple' took a new bow, with Robert Donat, at Blackpool; 'Rebecca' trekked to Newcastle along with principal Owen Nares.

Also lighting out of here: Shaw's postponed 'The Millionaire', starring Edith Evans, and 'Light of Heart', top grosser here till offensive scattered the take. Principals Godfrey Tearle and Hermione Baddeley accompany the play.

Northern climes not only healthier but b.o. is pledged. Industrial centers are rich in pay envelopes through war work, and what may seem like flight is held to be just sound business sense.

Perhaps strangest swing-over of the West End is palatial Coliseum theatre gone newsreel. Floor of the house is running on a news and briefs schedule at 25c. admish.

Polish Film Producer To Make Pix With Green In 2 Tongues

Mark Libkow, Polish refugee producer and distributor, who came to the United States about six months ago, has become a partner with Joseph Green, producer of Yiddish films in New York, in a new film company. First film by the new outfit will be 'The Singing Rabbi', on which M. Osherowich is doing the script. He did 'Brivele der Mamen', which Green made. Moishe Osherowich will be starred in the picture which will be turned out at the Edison studios in the Bronx, according to present plans. It'll be in Yiddish.

Libkow for 25 years was a distrib in Poland of U. S. films, handling product of Paramount, Warner Bros. and others. He was a producer for the last 10 years and was awarded a gold medal by the Polish government for 'The Young Forest' and 'Kosciusko'.

GOULD SLATED AS UA FOREIGN MANAGER

Although the appointment has not been officially confirmed, Walter Gould, presently Latin-American representative for United Artists, is expected to move up to the foreign manager post left vacant through the appointment of Arthur Kelly as domestic sales chief. Actual appointment will be delayed until Gould returns from his current trip in South America.

Tom Mulrooney, foreign sales manager, will be elevated under the new setup. Kelly, under the old regime, was v.p. in charge of the foreign department, with Gould his assistant.

Edict excluding Jews from the motion picture business, radio and press, issued by the Vichy government last week, is a body blow to the picture business in France, according to Americans and Frenchmen currently in the United States. Because the majority of leading film producers in France are of Jewish extraction, this order means that the French picture business virtually is dead. Vichy proclamation, obviously issued at the instigation of Hitler's government in Berlin, does not hit radio and newspaper business severely as in the film industry.

Of the principal French producers and distributors only about two are not Jewish. These are Marcel Pagnol and Jack Forrester, the latter, an American, now in New York, who has no intention of going back to France. Instead, he will engage in picture production in U. S. Pagnol presently is reported making a picture with Josette Day in Marseilles. Forrester had received an unofficial bid to return and resume production in France as his Forrester-Parant (latter a Frenchman) Films, S.A., is all set up abroad.

The new Vichy law prohibits Jews from holding the posts of director or manager of manufacturing, printing, distributing or displaying motion pictures. Also producers, directors, writers, as well as board members or managers of theatres, organizers of theatrical performances and those connected with radio broadcasting. Decree also prevents a certain percentage of stage and screen actors from working in their calling.

Those Affected
A. d'Aguir of Gray Film; Joseph Lucachevitch, head of S.E.D.I.F.; Raymond Hakim of Hakim Bros.; Adolph Oso. Arnold Pressburger, Gregor Babynovitch and Leon and Sami Siritzky are film-business leaders who probably will be hit by the ruling, although the exact status of the Hakim brothers is not fully known. Siritzky's head the circuit of the same name which took over the operation of several Gaumont and Pathé chain cinemas before the war. It also agreed to operate some of Paramount theatres in France. Oso at one time was Paramount manager in France. Pressburger and Lucachevitch are reported to have made their way outside of occupied France, before the Nazis moved in, and left the Vichy-controlled area subsequently.

Both Pagnol and Forrester are widely known in this country because of the successful French productions they made. Later turned out 'That They May Live', which was handled in U. S. by Mayer & Burstin; 'General Without Buttons' and 'Kreutzer's Sonata'. Pagnol produced 'Harvest', which won the N. Y. Critics' prize for best foreign language picture. Robert Trébor, 'Wife', now in its ninth month at the World theatre, N. Y., already topping all records for a foreign-made film.

Radio would be only slightly affected because much of it was government-controlled. Only Radio Cite, largest indie broadcasting concern, would feel the edict because Marcel Blustein, brother-in-law of Marcel Levitan, rich department store owner, operates it.

Operators of legitimate theatres, however, would be considerably affected, according to advices in N. Y. Maurice Lehman, manager of the Chatelet theatre; Robert Trébor, of the Madeline; Benoit Leon-Deutsch, of Nouveauté; Max Maurey, of Variété, and Max Viterbo probably would be hit by the government's anti-Jewish order. These take the largest legit houses of France. There aren't many French legit actors of Jewish extraction, most notable being Rosenberg. Sacha Guitry is also said to have some Jewish blood.

'Merry Wives' OK Now

'Merry Wives', Czech-made film, which has been barred in New York since last spring, was given a license this week by the state censors on reconsideration of the film. Originally held by the censor board that it was 'indecent, immoral and tended to corrupt.'

Film had been banned in German-occupied Europe because judged unfavorable to Nazi ideals. It's described as a 16th century comedy.

North West Mounted Police

(TECHNICOLOR)
Paramount release of Cecil B. DeMille production; directed by DeMille. Features Gary Cooper, Madeline Carroll, Paulette Goddard, Preston Foster, Robert Preston, George Bancroft, Lynne Overman, Lynn Bari, John L. Barry, Jesse L. Lasky, Jr., and C. Gardner Sullivan. Screenplay by Alan LeMay, Jesse L. Lasky, Jr., and C. Gardner Sullivan. Produced by DeMille. Running time, 115 MINS.

Cecil B. DeMille has forsaken the great open spaces of the west, which was the locale of "The Plainsman" and "Union Pacific." He has gone into the Canadian woods for the backgrounds of his new production, "North West Mounted Police." He returns with an outstanding and beautiful outdoor photograph in a gorgeous Technicolor, containing a gory and absorbing melodramatic story in which the traditions of the red-coated constable of the famous brigade are preserved and passed on to younger men. Further assurance of strong boxoffice appeal is to be found in the cast which includes Gary Cooper, Madeline Carroll, Paulette Goddard, Preston Foster, Lynne Overman and others. There is enough exploitation material in the title, the director and the players for a dozen marquee.

Notwithstanding its swift paced action and first class fiction, which is predicated on actual historical events, audience interest throughout is centered on the superb colored views of mountains, forests and valleys which pass before the spectator like a series of beautiful paintings. Color and the screen long ago ceased to be strangers. DeMille has lifted the visual element of his production to a new plane. Although this is his 64th personally directed feature and he has used color frequently to highlight his pictures, this is the first time he has employed the tints throughout. The results are highly gratifying.

The story which is related is more credible than the average yarn of the Canadian wilderness. It is founded upon an incident of insurrection and bloodshed which took place in and around Regina in 1885 when Canadian soldiers finally subdued a settlers' discontent and revolt that had lasted more than 15 years. Leader of the half-breeds, descendants of inter-marriages between white pioneers and the Indian natives was one Louis David Riel. In 1869 he set up a government at Regina, independent of the Dominion. After his overthrow and escape to Montana he was persuaded to return to his half-breed brethren, who called themselves the Metis Nation. For his part in a second insurrection he was captured, court-martialed and hanged.

At best it was squalid and guerrilla warfare, but from its smoke of battle the North West Mounted was born—and the slogan that they always get for the second reel. With that much fact to start from, Alan LeMay, Jesse L. Lasky, Jr., and C. Gardner Sullivan weave a story which has its exciting moments, a reasonable and convincing romance and a hero who is a pure Texan from down near the Rio Grande. Gary Cooper is the man from the South, and although Canadian upbringing is none of his business (he is one of the Texan Rangers on search for a murderer) he finds himself in the middle of gunplay before the end of the second reel. Preston Foster as the sergeant-leader of the redcoats gets the better of Cooper in the contest for Miss Carroll, who never seemed quite able to make her mind whether to stay up north where the winds blow or chuck it all and go south with Cooper where the dust blows. Rivals at the fadeout are good friends. Foster has the girl and Cooper has George Bancroft, the heavy, tied up with his lariat and on his way back home.

Before that takes place there are innumerable plot complications involving Paulette Goddard, a half-breed vixen; Robert Preston, one of the mounted who faltered in outpost duty; Walter Hansen, a big Indian chief; and Akim K. Miroff and Lynne Overman, who stage their own private duel of marksmanship, which is hilarious.

Settings, costumes and all production accoutrements reflect long preparation and expert workmanship. A military outpost, several settlements and trading stations and an Indian encampment are only a few of many spacious sets which are large enough to encompass hundreds of players in some of the scenes. Picture throughout has size.

Camera department, previously

mentioned, is headed by Victor Milner and Duke Green, with special effects by Gordon Jennings and Farciot Edouard.

DeMille gives credit to Arthur Rosson and Eric Stacey as associate directors. It is obvious that a large and efficient staff collaborated. The film is now running more than two hours. Anne Bauchens supervised the editing.

Interesting novelty is an introductory, sound track talk by DeMille in which he recounts the historical basis for the film. On the screen is a panorama of striking views which in themselves tell of man's conquest of forest and plain. It is an effective kickoff.

Fin.

Tugboat Annie Sails Again

Hollywood, Oct. 19.—Warner Bros. released "Tugboat Annie Sails Again" today. Features Marjorie Rambeau, Alan Hale, Jane Bryan, Ronald Reagan, and Charles Halton. Screenplay by Walter DeLeon, based on characters created by Charles Halton. Directed by Charles Halton. Produced by Warner Bros. Running time, 75 MINS.

Seven years ago, the late Marie Dressier made Tugboat Annie one of the most famous cinematic characters of the decade. Warner's decided to attempt a continuing series based on adventures of Norman Reilly Raine's Satepovet salty female, and casts off with Tugboat Annie Sails Again, spotting Marjorie Rambeau in the title spot. Picture is a standard programmer that will have to depend on title interest to do nominal biz as key bitplayer.

Main interest in the script setup is directed towards the hard-boiled attitude of Annie; her maneuvers to prevent being relieved of her command, and attempt to build up characterization with continual punishment of words with her mispronunciations. Story runs along familiar lines, and displays neither freshness nor originality in its unadorned, farcical attempt to make something of her characterization, overstates in playing the role, and resorts continually to much mugging in an effort to catch attention.

Annie is introduced as skipper of the tugboat Narcissus in the port of Secoma. Alan Hale continually heckles Annie as captain of the competing Salamander. Annie's firm belief in the loan of \$25,000, and she gets it. She also gets the job of towing a drydock to Alaska, but is forced to step aside for another skipper on the important contract. But Annie does along for the ride and steps in at the proper moment to salvage the situation.

Picture suffers from static direction, and dips continually into obtrusive situations of weak texture. With better piloting, Miss Rambeau undoubtedly can adequately handle the assignment of Tugboat Annie. Alan Hale makes good opposing skipper for her conniving. Jane Bryan and Ronald Reagan provide the romantic interest, paired up in regulation rich girl and poor boy routine. The supporting cast includes Clarence Kolb, Charles Halton, Paul Hurst, Victor Kilian and Chill Wills.

Wait.

ARISE, MY LOVE

Paramount release of Arthur Hornblow, Jr. production and release. Stars Claude Colbert and Ray Milland. Features Walter Abel, Dick Purcell, Dennis O'Keefe, Esther Hale, George Zucco. Directed by Mitchell Leisen. Screenplay by Charles Brackett and Billy Wilder. Produced by Jacques Teyssie. Adaptation of story by Benjamin Glazer and John S. Toidy. Camera, Charles Lang; editor, Doane Harrison. Previewed at Paramount theatre, N. Y., Oct. 10. Running time, 100 MINS.

Against the background of European fistfists, Paramount brings forth a film of moving romantic interest. "Arise, My Love" is a story of love and war, and the way through the hazards of air-raids, torpedo attacks and enemy invasions. It is titled, "Arise, My Love," which is the least of the phase of one of those highly centralized stanzas in The Song of Solomon. The lovers who give a lift to the picture and a boost to the boxoffice receipts are Claude Colbert and Ray Milland.

Unlike some other films which have set their scenery in present-day war-torn Europe, this one projects the romance in front of the unchanging, little of a newspaperman employed in France by an American syndicate, who digs up her own stories. Tired of writing about the latest stunts in hats and brassieres

Miniature Reviews

"Northwest Mounted Police" (Par). Cecil B. DeMille will get much women and children to the b.o.

"Tugboat Annie Sails Again" (WB). Standard programmer that will get by mainly on rep of title character.

"Arise, My Love" (Par). Claude Colbert and Ray Milland in a romantic drama that will give a lift to the boxoffice.

"Parade of 1941" (Rep). Musical with pleasant tunes, fairly strong support for dealers.

"Glamour For Sale" (Col). Purely exploitation picture with s.d. possibilities.

"So You Won't Talk" (Col). One for the Joe E. Brown partisans only.

"Under Your Hat" (British). Cicely Courtneidge-Jack Hulbert musical based on their stage show. Mediocre.

and in order to better her assignments, she hops to Madrid (this is after the Franco victory) and persuades a Spanish general to free a young French prisoner of war. She accomplishes this by insisting she is the young man's wife, although they are strangers.

Then follows a mad dash to an airport, a flight of plane and escape to the border after some exciting moments of aerial chase. The "escape story" becomes page-one news, and Miss Colbert is appointed to the Berlin news staff. With this she is highly pleased as it offers professional advancement and a chance to elude the advances of her husband. But there he is, in the same railroad compartment. So they slip away to a quiet French inn for a few days at the very moment when Germany launches its Polish invasion, which is nothing at all in the lives of two young lovers who are dreaming away the hours in romantic bliss, at the instant when editors are yelling like mad for stories from the woman's angle.

But they are awakened to the fact that life must have a purpose, as well as the end of the world, when the Athenia, on which they are home-bound, is torpedoed. It's a scoop for Miss Colbert and a chance for Milland, the husband, to join the R.A.F.

Because the film is splendidly directed by Mitchell Leisen, and acted not too seriously by Miss Colbert and Charles Halton, the love and war takes on reality and conviction. There are some snappy lines in the script, written by Charles Brackett and Billy Wilder, and played by Benjamin Glazer and John D. Toidy. Miss Colbert wears some very becoming costumes and Milland handles his arduous life as a gentleman. The picture is a highly entertaining episode when Walter Abel, as news chief, is looking for his missing correspondent. There's also a touch of pathos with the entry of German troops into French capital. Film skillfully skirts the rough stuff and is highly satisfactory entertainment for general consumption.

Surprising play the little to do and to it well. George Zucco is the Spanish general and looks the part. Dick Purcell and Dennis O'Keefe are soldiers of fortune. With exploitation on the romantic merits of the film, and very little said about the war angles, "Arise, My Love" should send up the gate receipts wherever played.

HIT PARADE OF 1941

(MUSICAL)

Republic release of Sol C. Siegel production. Features Kenny Baker, Frances Robinson, Alan Miller, Pat Kelly, Phil Silvers. Directed by Frank R. Auer. Original by Bradford Ropes. Lyrics by Herbert Brown and Leo; additional comedy: Sid Kuller and Ray Golden; songs: Jules Styne, Walter Bulfinch, Danny Davis, Jack Martin; editor, Murray Selden. Previewed at Radio City theatre, N. Y., Oct. 10. Running time, 83 MINS.

David Farraday, Kenny Baker, Emily Fetter, Frances Robinson, Ann Miller, Judy Abbott, Pat Kelly, Phil Silvers, Soda Clark, Sterling Holloway, Harrison, Dennis O'Keefe, Jack Carter, Franklin Pangborn, Borrah Minevitch and his Harmonica Rascals.

Had Republic a couple of writers who could handle dialog the way Jules Styne and Walter Bullock have. Goddard's highly bred story and "Hit Parade," it would have made a major entry among the season's tune-fests. As it is, it is a mediocre conglomeration of good songs, mild marquee names, and lyrics. The incident in the past could have made this a nifty with proper material. As it stands it will make a strong addition to the No. 2 of a double-bill anywhere.

Kenny Baker, better known to radio than films, and Frances Langford hold the top romantic spots. The songs are highly bred and have been made for selling the tunes, but Baker, particularly, scarcely qualifies as a thesp. That's not, however, impossible to overlook.

Among the film's tunes—and it is

being touted on its music starting right from its title, borrowed from the Lucky Strike air show—are "Who Am I?", "Make Yourself at Home," "Swing Low, Sweet Chime," and "Swing Low, Sweet Chime." They have already received some plugging on the air. "Who Am I?" is particularly good as duetted by Baker and Langford, while the "Swing Low" helps it immensely.

Bradford Ropes, F. Hugh Herbert and Maurice Leo, in molding the story, apparently had so much headache working the sizeable list of features players in at least some logical situations for getting off their varied talents, that there wasn't time left to give thought to the plot otherwise. Plaudits must be handed them or success working out the first part of their problem.

Yarn opens to find Kenny Baker and his uncle (Hugh Herbert) operating a Connecticut swap shop, which they trade in toto for a radio station in Brooklyn. Music comes in on the scene. The character is Mary Boland, department store owner, who insists her daughter, Ann Miller, sing on the store's show. Daughter can't sing, but not, sing, which leads the diplomatic Baker to sub Frances Langford from a hidden mine in an other studio. Patsy Kelly, Miss Langford's pal, spills the devious little scheme when Miss Miller threatens to sue her for interest in being Langford-Baker.

Phil Silvers, w.k. to burley and quite successful in "Yokel Boy" on Broadway last season, takes his christening in celluloid, as the station's program manager, in his stride. He shows plenty of possibility as a featured film comic, but can't get going in this opus because of his material. Herbert likewise tortures himself trying to get laughs out of lines which just ain't.

Tossed in for good measure are Borrah Minevitch and his Harmonica Rascals and Six Hits and a Miss. The half-pint member of Minevitch's crew, who plays very funny results in vaude from the same antics he uses in the film, but they completely miss through the lens. Nifty on the mouth-organs, the gangster himself was the so-called comedy eliminator. Love it and Miss, which translates into half a dozen guys and a gal warbling, are expert but don't get enough to do.

Ann Miller, who returns to Hollywood after clicking in George White's "Scandals" during the past season, is badly presented. Camera is far too distant in her two tap sequences, fails to bring out the gamut of her dancing, which is highly vaunted, and the lighting on her is poor. Herb.

GLAMOUR FOR SALE

(WITH SONGS)

Columbia production and release. Features Frances Robinson, Alan Miller, Pat Kelly, Phil Silvers. Directed by R. Ross Lockman. Screenplay by John Farrow. Camera, Franz Planer; editor, Milton Drake; exec. producer, Rev. David L. Livingstone. Running time, 60 MINS.

Although "Glamour For Sale" contains nothing objectionable to arouse the censors, it has for subject matter and title two properties which are not dramatized by exploiters into real comedy. The picture is and there are enough lookers among the girls to furnish a lobby of blow-ups and photos which would act as admirable cover—Live models in stunts of several kinds can be used to drum up momentum.

As a straight film, "Glamour" is a fair story of the cops on the trail of a sex service which thinly masks such vice practices as roller drunks, blackmailing and all manner of extortion. It is careful to give salute to those professional servers of fancy dolls for dinner and night club dates who conduct that service on the up and up, saying, in effect, that it is only concerned with the scurrilous joints whose dames play on the over-imbibers.

Anita Louise is a first-timer with Roger Pryor footing the bill, when she goes on a dinner party with him, accompanied by Arthur Loft, an insurance company executive. MacCloy, from one of the harpie clip-spots, The MacCloy girl sees to it that Loft gets mugged by a camera man while partying, and it later flies up in Loft's face with Paul F. Goddard, who is a payoff. Loft kills himself, and then Pryor, a dick on the trail of such stuff as is being peddled by Don James, the MacCloy gal, confides his mission to Miss Louise, and asks her help. She agrees to turn stool, and the story progresses 1-2-3 from there.

Two girls who go off with the principals, Frances Robinson, who is one of the nicer girls in the escort biz, and Veda Ann Borg, who x-rays very good, she meets to spot his walled and consents. Both are okay when aboard.

Misses MacCloy and Louise sing, but neither has much to work with. Pryor turns in a creditable account of himself all the way. Director Lederman keeps the story moving at all times, so things not only happen quickly, but the picture, which runs

a sharp hour, finishes quickly. It's strictly up to the exploitation how much biz it will do, but without dumb-beating it's just another second-rate feature.

SO YOU WON'T TALK

Columbia production and release. Stars Joe E. Brown; features Frances Robinson, Tom Dugan. Directed by Edward Scully. Original screenplay by Richard Flournoy; camera, Alvin Karp; editor, Tom Dugan; Sweeney. At Rialto, N. Y., week of Oct. 10. Running time, 68 MINS.

Devoes of Joe E. Brown will find the current Columbia release a mild outlet for his talents, full of situation comedy, which is a little bluey and sometimes doesn't. For those to whom Brown isn't funny no matter what he contrives to do—well, this naturally just isn't for them. Brown, who is a steady editor, there's them that like him and them that don't, and the twin just won't mix. Whether a picture starring Mr. Cavern-mouth should be given preferred placing may be included in that 20% cancellation privilege is pretty much each individual exhibitor's problem based on past experience.

Story puts Joe E. in two roles and is rather a mess. It is a comedy, although it lacks anything that could be termed sock comedy except to the most rabid Brownian rosters. Scriber Richard Flournoy, who also does the "Blondie" stories for Col, has given Brown contrasting parts, first as a meek literary reviewer and then as a tough gangster, neither of which offers opportunity for him to use that wide mouth in the familiar way.

Brown as the bewhiskered reviewer gets fired and decides to write a novel. But first, at insistence of his friend, Francis Robinson, he mows the hedge off his puss. That makes him look exactly like Brown the mugg, who just happens to be released from jail the same day. The mugg, who just happens to be released from jail the same day, takes the meek imitation for their boss and his endeavors to escape them are supposed to provide the laughs. There are also a number of well-known faces in the picture, Brown, but, as in other parts of the picture, results are not quite so hilarious as might be expected.

Miss Robinson, who's debuting in screen comedy after a long time in assignment to mystery-mellers and such, fills in nicely opposite the comic. Tom Dugan and Dick Wessel make a good team as the gangster aides, while Bernard Nedell, Vivienne Osborne and Anthony Ward fill out the cast adequately. Edward Sedgwick's direction lacks the sharpness that might have carried the edge to the possibilities for laughs.

Herb.

UNDER YOUR HAT

(Musical)

(BRITISH-MADE)

Republic release of British Lion Production. Stars Cicely Courtneidge, Jack Hulbert. Directed by Maurice Elvey. Screenplay by Maurice Elvey. Camera, John Griffiths. Running time, 79 MINS.

It is a musical with spots. Pic should rate here on its stars' marquee value, although income will depend to a great extent on how soon it can be rushed into release. Currently, its ingredients are what leg would provide if left were functioning. For U. S. screens film of furs' little, since a good deal of its humor and cracks are colored to the eyes of Jack.

Handful of early footage gives promise of first-rate stuff, paced and directed to register, but Maurice Elvey's directorial grip weakens as spots are used.

Courtneidge-Hulbert work hard to repeat their stage success. Story unfolds them as flimsy team, with Hulbert appreciative of ankles. A big room in which they show a femme spy, Leonora Corbett, provides him with ample romancing, in turn being shadowed by his partner-wife.

Audio and nitelub scenes are presented with realism and laughs; only when pic has to fill in do weaknesses show. Musical number, "Can't Find That Tiger," has been particularly well recorded. "Swing Low, Sweet Chime." Sound in other spots is not so neat, even harsh, although latter development may have been due to acoustics of private theatre at preview.

Camera work of Mutt Greenbaum is capable on costly mountings and costume effects. Latter indicate a budget of no small size.



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BILLY GILBERT • MAURICE MOSCOVICH

Released thru United Artists

M. L. Annenberg's Tower and State, Milwaukee, in Trust Suit Vs. Fox

Milwaukee, Oct. 22. Fraud, conspiracy and enrichment of themselves at the expense of the people for whom they were to operate theatres are charged against the local Fox organization by the Oriental and Tower theatre corporations. Circuit court action on which Judge Gustave G. Gehrz heard arguments Friday (18). The court took the case under advisement and instructed opposing counsel to file briefs setting forth their respective contentions.

Specifically, the action is brought by the Tower Theatre Corp. and the Oriental Theatre Corp. against the Wisconsin Amusement Enterprise Corp., the Milwaukee Theatres, Inc., and the Fox-City Theatres Corp., all Delaware corporations, and H. J. Fitzgerald. It is alleged Milwaukee Theatres and Fox-City Theatres Corp. are subsidiaries of Wisconsin Amus., which in turn is a subsidiary of National Theatres, Inc., which in turn is a subsidiary of the 20th Century-Fox Corp., and that the defendant corporations have controlling powers and directors come, classified as the Gold Coast, the former house first run, the other second. The Tower and State are both in the West zone, the former first run de luxe, the other second run. In both cases the de luxes were to have 14 days' protection over the second run houses, also Fox operated. It is alleged to have been the duty of Fox to act with the utmost good faith, loyalty and fair dealing, occupying "a position of trust and confidence," and further alleged that "continuously throughout the term of agreement the defendant Wisconsin Amus. Enterprises, Inc., by its fraudulent conduct failed to exercise loyalty and good faith toward the plaintiff" and by various acts of omission and commission, misfeasance and malfeasance failed to perform its functions and violated its duties and obligations.

Terms

It is asserted in the complaint that on July 25, 1934, the Tower and Oriental, both de luxe key nabes, made an agreement with Wisconsin Amus., whereunder the defendant agreed to manage, operate and supervise the two houses in a manner most conducive to profitable operation. The Wisconsin Amus. Enterprises was to get a management fee of 5% of the gross, and also 50% of profits in excess of \$100,000. The contract was terminated by the plaintiff Aug. 31, 1937, after having been in effect for three years.

The Oriental and Downer theatres are both in the West zone, classified as the Gold Coast, the former house first run, the other second. The Tower and State are both in the West zone, the former first run de luxe, the other second run. In both cases the de luxes were to have 14 days' protection over the second run houses, also Fox operated. It is alleged to have been the duty of Fox to act with the utmost good faith, loyalty and fair dealing, occupying "a position of trust and confidence," and further alleged that "continuously throughout the term of agreement the defendant Wisconsin Amus. Enterprises, Inc., by its fraudulent conduct failed to exercise loyalty and good faith toward the plaintiff" and by various acts of omission and commission, misfeasance and malfeasance failed to perform its functions and violated its duties and obligations.

'Diverted Patronage'

It was charged that pictures were shown in both the Downer and State prior to the expiration of the 14 days' protection granted in the agreement, thereby diverting patronage from the Oriental and the Tower and greatly reducing the profits of the last named houses. It is charged that "Fitzgerald had full knowledge of said fraudulent and unlawful acts and as an officer and director of the defendant corporation he counselled, aided and abetted said acts and practices." It is charged the defendant companies and Fitzgerald and other persons and corporations unknown to the plaintiffs, "confederated and conspired together for the purpose of defrauding the plaintiffs, and to unlawfully and unjustly enrich themselves at the expense and to the detriment of the plaintiffs."

The Oriental and Tower, now under the management of Harold Mirisch, for the M. L. Annenberg Investment Co., owners of the properties, seek judgment decreeing that the defendant account to the plaintiff:

a. For the return of the consideration received by the defendant Wisconsin Amus. Enterprises Corp.

b. For all the profits of the Downer and State derived from the exhibition of motion pictures by each of them in violation of the duty and obligation which the WAEC owed the plaintiff.

c. For such other and further relief as the court may deem just and proper including the costs and disbursements of the litigation.

Skids Attached

Attached to the complaint are schedules of all the pictures played at the Oriental, Tower, Downer and (Continued on page 18)

Long Time in 'Arizona'

Hollywood, Oct. 22.

Final editing on the Wesley Ruggles production of 'Arizona' for Columbia, whittled down to 11,500 feet, will consume two hours and 10 minutes in running time.

Picture is now being scored with Victor Young's music.

Ellis of Philly Sung 20th-Fox For \$107,500

Philadelphia, Oct. 22.

A. M. Ellis, operator of the Towers theatre, Camden, N. J., a vaude-filmer, last Thursday (17) filed suit against 20th Century-Fox asking \$107,500 damages for breach of contract. Ellis, who also operates several theatres in Philly, charged that he purchased the Towers on the strength of a promise made by Edgar Moss, manager of the local 20th-Fox branch, to supply him with product, and that the latter later reneged on the agreement.

Ellis, president of the Towers Theatre Co., and his brother, Martin, secretary-treasurer, declared they had a verbal contract with Moss to get all product rejected by the Savar theatre, part of a chain owned by Joseph Varbalow. They said they informed Moss they intended to play vaudeville together with pictures at a 40c admission. Moss then made them enter in a new written contract for the Ellis-owned Broadway, also in Camden, whereby they waived their seven-day protection which the Broadway had over the Victoria, operated by Varbalow. This pact was the price for getting the Towers product, Ellis averred.

"In reliance of the assurance from the defendant that product would be available," the suit continued, "Ellis and his associates on June 16, 1939, bid in at a Sheriff's sale in Camden, for \$64,000 in addition to a tax arrearage of \$7,125.34 for the Towers theatre, and made the required deposit of \$6,400 with the Sheriff of Camden County."

The following October, Ellis claimed, when he approached Moss on the subject of entering into a written agreement, he was told it was not customary to reduce such a contract to writing, however assuring him again that the product would be available. Whereupon the Ellis group entered into contracts for renovating which totalled \$124,166.

The following month, however (Nov. 17, 1939), Ellis said he was informed by Samuel Gross, office manager of 20th-Fox, that the agreement had been nixed by the home office because of Varbalow's opposition, but he was again reassured by Moss that the matter "would be straightened out." Shortly afterward, when Ellis tried to get booking, he was informed by Moss that Varbalow was still continuing his opposition and he (Moss) couldn't do anything about it.

The home office of 20th then agreed to modify the agreement allowing the Towers to show its product without vaude at a 25c admission to appease Varbalow, but giving Ellis the right to present stage shows on weeknights with other film product. This agreement, too, was not honored, Ellis said.

Because of these alleged breaches of contract, the plaintiff charged, he had lost \$15,000 for the year 1940, and would show a probable loss of \$7,500 from Jan. 1, 1941 to July 31, 1941—the latter date being the date the agreement should have terminated. The estimated "reasonable profit" for the Towers—a 1,400-seater—should have been \$300,000 annually, Ellis said.

Ellis further claimed that as a result of 20th's refusal to honor its contract, he had been unable to get any other major product, having to rely on 'old films' and independent pictures.

MORT SHEA DIES IN N.Y. AT THE AGE OF 60

In ailing health for several years, M. A. (Mort) Shea died on Saturday (19) at the Medical Center, N. Y., at the age of 60. Funeral was held Monday (21), burial at the Gate of Heaven cemetery, White Plains, many in and out of show business, attending.

Founder of the old Feiber & Shea circuit, which later on became the Shea Theatre Corp., the operator built up a chain of houses which numbered 42 at the time of his death. They are located in New York, New Hampshire, Massachusetts, Ohio, Pennsylvania and Rhode Island. Several of them formerly played vaudeville. He was not related to Mike Shea of Buffalo.

A few years ago Shea became a partner of Paramount in some of his theatres, mainly in Ohio. About five years ago Eddie Grainger, who for years had been in distribution with Fox, joined the Shea circuit as its v.p. and general manager. He has been in charge of its interests during Shea's illness, which forced him to retire.

Two sons, Maurice, Jr., and William, are also in the circuit's home office at New York. Others surviving the veteran showman, a kindly man who was extremely well liked in the industry, are Thomas, who is with the law firm of O'Brien, Driscoll & Raftery; the widow, Margaret L. Shea and a daughter, Mrs. Joseph Tuckerman.

Freiday's Stockholder Suit Against U; Encore To Sam Posen's Action

Following closely on the heels of Samuel I. Posen, Universal director, who two weeks ago filed a stockholder suit against the company, William Freiday, another director and stockholder of Universal, filed a N. Y. supreme court action against the company yesterday (Tuesday). Freiday borrowed much of Posen's thunder in his action, and after mentioning the other suit, asked leave to intervene.

Plaintiff holds an unnamed amount of common, and among charges in the action which seeks an accounting is an attack on the Voting Trust, set up March 31, 1936, charges that J. Cheever Cowdin, chairman of the board, dominates Standard Capital Co. and Universal; charges that Cowdin, Standard Capital, Charles R. Rogers and J. Arthur Rank entered into a conspiracy to acquire and control Universal; charges that Carl Laemmle was paid \$450,000 for the company, far in excess of what it was worth; that Universal lost \$4,147,605 from 1929 to 1935; that Universal was looted by the sale of Universal Pictures, Ltd., the English subsidiary worth \$300,000, to Rank for \$600,000; that excessive commissions were paid and excessive salaries granted to directors and officers who were appointed by the defendants; that 80% of the income of Big-U Film Exchange was diverted to the parent company; that officers and directors not subservient to the wishes of Cowdin were let out, and others who would be substituted; that Nate Blumberg, president of Universal, was a designee of Cowdin, to assist him in concealing the fraud allegedly perpetrated on the company; that Charles R. Putzmann, general counsel, instead of doing his work as general counsel, had his former law firm handle the legal work, etc.

Defendants in the suit are Cowdin, George N. Armsby, Nathan J. Blumberg, Paul G. Brown, Robert H. Cochrane, Daniel C. Collins, Preston Gray, Lawrence H. Fox, Beverly Gibson, Ottavio Prochet, Charles D. Putzmann, Adolph Ramish, J. Arthur Rank, Budd Rogers, Charles R. Rogers, Daniel N. Schaeffer, Samuel Spring, Willis H. Taylor, Jr., Universal Corp., Universal Pictures Co., Inc., Standard Capital Co., Big-U Film Exchange, Inc., Western Electric Co., Inc., Electrical Research Products, Inc., Eastman Kodak Co., G. C. F. Corp., Ltd., and the Manufacturers Trust Co.

Universal board of directors yesterday (Tuesday) authorized the following statement in part regarding Freiday's suit: "It is a matter of record that Freiday, who has been a director of the corporation since its inception, has acted in favor of the principal acts taken by the board about which he now complains. Universal and its directors are confident that all complaints will be answered in court when the matter comes up."

Mills Novelty and Jas. Roosevelt's Classy N. Y. Preem for 'Soundies'

Rogers Would Add Pix

Budd Rogers, v.p. and g.m. of Alliance Films, N. Y., distributes indie product, left last week for the Coast, where he will confab with producers on taking on added films.

On his trip west Rogers is stopping at Alliance franchise-holders in Buffalo, Cleveland, Detroit, Chicago and Kansas City. Southern exchanges will be visited on his return trip.

Atty. Moroney's Idea How Indies May Be Salvaged

John Moroney, counsel for the Interstate circuit, now up in New York from Texas, principally on a pleasure-trip, has a practical slant on chain relations with indie exhibitors. "If and when circuit takes over an independent, I'd advocate leaving the indie at a small participating partner, under a continuing employment contract and with a sharing interest, if it's only 5%."

"I'll tell you why. Let the chain, and maybe I mean Interstate or not, with its better setup and wider buying powers start making more money, it's only natural for the indie to want to get back into the business, particularly if he sees his former house now doing more than when he ran it."

"It's natural, therefore, that he gets irked, perhaps jealous; starts talking discrimination, oppression, conspiracy, and all the rest of it. Next thing that happens is another nuisance suit under anti-trust charges, and thus the industry is being cluttered up with dozens of needless headaches and costly litigation. But if the independent retained a piece of his former theatre, even after selling out, and he continued participating, you'd not find this sort of trouble."

CHAS. VIDOR LENSING 'N.Y. TOWN' ON LOCALE

Charles Vidor, Columbia director, planes from New York to the Coast today (Wednesday) after a five-day visit selecting locations for background shots on 'New York Town,' next on his slate. He was accompanied east by a six-man camera crew and Louis Meltzer, writer on the pic.

Meltzer will return to the Coast with Vidor, while the lens gang, headed by Curtis Mick, will remain to get the scenes of Fifth avenue and Radio City which are needed. Shooting on the Coast begins Nov. 4, with Mary Martin and Fred MacMurray starred.

Roz Stalls 'Topper'

Hollywood, Oct. 22. "Hal Roach postponed the start of 'Topper Returns,' scheduled to go into work yesterday (Mon.) because of casting difficulties. Rosalind Russell, originally slated for one of the femme roles, is tied up at Columbia in 'This Thing Called Love,' and completes a long vacation before returning to work."

Roach must look elsewhere for his feminine topper in view of commitments with Roland Young, Billie Burke and Eddie (Rochester) Anderson to get the picture under way within the next few weeks.

Miller Chain's 4th

Atlanta, Oct. 22.

Peachtree, 850-seat de luxe nabe at Peachtree and 19th, lighted up Thursday (17). House is No. 4 in Miller chain and under direction of Charles A. Adams.

They only recently opened their 500-seat Garden, in swank North Side section.

New York got its first view of Roosevelt-Mills 'Soundies' Monday (21) and 'Soundies' got their first view of New York—no doubt the classiest view they will ever have. Introductions were made at the Starlight Roof of the Waldorf-Astoria. Next stop for the film jukeboxes is bars in the Bronx, Brooklyn, Harlem, Manhattan and Podunk.

New York has seen press agents toss glamour around before. It's not easily impressed. But the Mills brothers of Chicago did it. Not only did they have 2,000 visitors in the Waldorf's roof nitery, but a lot more in a healthy chunk of another floor below. And 25 or so of John Powers' best in their evening togs to lend decor. And hordes of flunkies with drinks and sandwiches. "And an all-time band to whomop things up. And photos by the score who shot off flash bulbs as though they were at a Hitler blitzkrieg."

No, sir. No jukebox will ever unravel its 16 mm. celluloid in an atmosphere like that again. Although this wasn't the first time. Hollywood last month got its taste of how the Mills boys do it. And glamour apparently pays. Dozens of potential distributors were itching to get their hands on a fountain pen and the fountain pen on a contract. Two gals at a desk made appointments for them with Mills reps with the necessary papers scattered through downstairs rooms.

Free-Loaders' Field Day

Who the 1,950 or so people were who had no more use for a 'Panoram'—that's the Mills alternative to 'Soundie'—than Wilkie does for a tomato, or what they were doing there besides downing Scotchies, munching sandwiches and greeting friends, is something else again. But all had their engraved invitations, from lecture manager W. Colston Leigh to Jimmy Hanson, office boy at United Artists.

Incidentally, if you could crush your way through, you could also see the 'Soundies.' Three of the boxes were on display, one with temple, full scene from a 'Panoram' blown up and fastened to the screen, in front of which potential distributors could get their pix snapped with a Powers' girl; the second with the box cut away so that innards became visible, and the third—honest—actually showed the pictures.

They were pretty good, too. The real had eight subjects each running about 2 1/2 minutes. Whole round trip took 22 minutes. It wasn't necessary, of course, to put a dime in for each subject, as it will be when a toughie behind a bar replaces the genteelness of the Waldorf's hired help. As many dimes as desired may be put in at one time. There's no selector, you take what comes next. A moving tape above the 17 by 2 1/2 inch translucent screen announces the sequence of subjects.

S. A. Briefs

Briefs turned out by Jimmy Roosevelt's Globe Productions under Henry Henigson's supervision combine eye appeal with ear appeal by including dance sequences in each short. There's also a salty sprinkling of the old s.d., with one of the juke films offering the niftiest view of a leg—full screen is taken up by a single gam—seen since Will Hays stopped playing postmaster-general. Despite it all, however, 2 1/2 minutes seems too long for most of the subjects. Tricky angle shots, smart editing, sex and everything else fail to maintain sustained interest. Or, maybe it's in those slow spots you're supposed to sip your beer.

Mills machines avoid almost entirely—not quite—the fuzziness around the edges of the picture which are a defect of other boxes seen here when the spectator is off on the side. Fuzziness in others is caused by the wide-angle lens necessary to enlarge the pictures with the screen so close to the projector. Mills ingeniously gets around that by projecting the picture in a small area of mirrors, and enlarging it through a series of other mirrors.

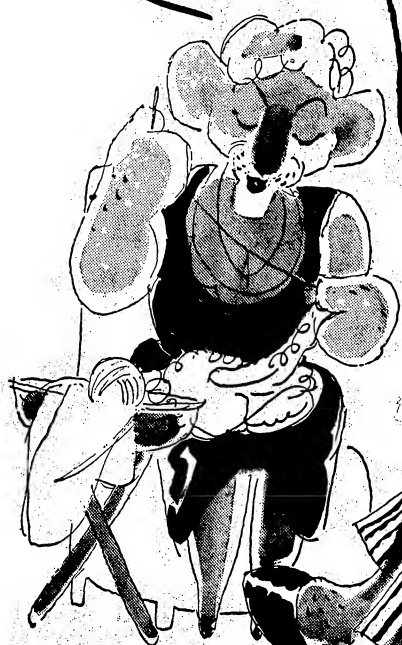
\$95 Per Juker

Jukers are almost seven feet high, done in walnut and weigh about 800 pounds. They list at \$1,000, but go to distributors for \$695, pay as they play. Selected districts are given franchises for territory and must buy the number of machines Mills decides they need. The war end out in 10 boxes for each 50,000 population. (Continued on page 18)

MR. & MRS. LEO

MAMA IS PROUD! PAPA TAKES IT BIG!

"Oh, Leo, I'm so proud of you. I've been reading in the trade papers that 'STRIKE UP THE BAND' is playing a 3rd week in a dozen spots and a 2nd week in twenty other cities. The Editorial said that you're the King of Hold-Overs (You've held me over for 16 happy years, angel!) And then it went on to say: 'Mr. Exhibitor, you'll remember November because every week M-G-M delivers a Sockeroo! (I think that's what they called them) starting with Norma Shearer, Bob Taylor in 'ESCAPE'; Jeanette MacDonald, Nelson Eddy in 'BITTER SWEET' in Technicolor; Judy Garland in 'LITTLE NELLIE KELLY'; Clark Gable, Hedy Lamarr in 'COMRADE X'—and then they said 4 More Big M-G-M hits in December. How about a new fur coat for Mama?"



"Aw gee, Ma, you say the sweetest things every time you need a new coat!"

1940-41 Sales Methods

Continued from page 7

guarantee rental prices against last year, percentage of film rental, gross receipts on last year's contract, shorts deals and news buys.

The survey already made on deals for the '40-41 product would indicate the following:

Columbia

This company's announced sales policy was two at 40%, six at 35%, 10 at 30% and the balance flat. Company sold most deals flat, it is reported. It either sold selective contracts or allowed 20% cancellations in most instances. Generally, AID states, Col did not force shorts and where later were bought, they varied in number from 15 to 72. Where percentage deals were made, contracts called for one at 40%, two at 35% and the balance flat—or one each at 40 and 35% and the balance flat. Generally, it is stated, Col did not get guarantees or preferred time.

Metro

Announcing four at 40%, 10 at 35%, 10 at 30% and the balance flat, majority of this distributor's deals were made for four at 40%, 10 at a high flat and 10 at a medium high flat and the balance at a lower flat rental. No all-flat deals were reported to AID. Metro sold some selective contracts and generally granted a 20% cancellation. The number of shorts sold varied widely but claimed they were forced in practically every instance. Majority of contracts called for guarantees and preferred playing time. Examples of selective deals were sales of 13 pictures as follows: one at 40%, six at 35%, one at 30% and five at 25%; and a group of 18 pictures as follows: two at 40%, two at 35% and the balance on a flat basis.

Paramount

This company deviated widely from its announced policy of two at 40%, eight at 35%, 12 at 30% and the balance flat on a program of 41 features and nine westerns. It is claimed. A cancellation up to 20% was granted and many deals were sold flat. On the percentage deals, some were sold with a guarantee. Claimed Par also forced shorts and others without, some contracts on preferred time and many not, news but that the number of shorts sold to each account varied widely.

RKO-Radio

Policy was two at 40%, six at 35%, eight at 30% and balance flat, program consisting of 46 features and six westerns. RKO sold a majority of accounts flat, but many obtained selective deals, and the cancellation granted was 10% in some cases, 20% in others. The majority of exhibitors buying on percentage contracted for preferred playing time, but usually did not pay any guarantee. RKO is seldom forced short or news, it is stated. Deals varied a lot. Where 46 features were bought, deals were made for two at 35%, six at 30% and 38 flat. Where 52 features were bought some deals were at two for 40%, the balance flat; others six at 35% and the remainder flat. There were some contracts covering 21 features, calling for one at 40%, three at 35%, three at 30% and 14 on a flat basis.

20th-Fox

Scheduling 52 pictures, announced policy was two at 40%, eight at 35%, 14 at 30% and the remainder flat. Company is also declared to have deviated widely from its sales policy and the vast majority of deals were made flat. A cancellation ranging from 10 to 20% was allowed and in many instances the distrib specified an outright number of cancellable pictures, varying from five to 10. Many selective contracts were also written, it is added. Percentage contracts usually did not carry guarantees or preferred playing time provisions. Shorts and news were sold in most instances and forced most of the time. Some contracts were sold with two at 35%, others with one at 40% and four at 35%.

United Artists

AID points out that there is no set sales policy for this company, but that it is offering 22 or more pictures and is making deals calling for 25 features, three at 35% and 22 flat; other deals being 20 features, of which one is at 40%, four at 35% and 15 flat, with guarantee and preferred time. Where percentage contracts were made for 25 features there is no guarantee or preferred date clauses. Majority of deals, however, were on a flat basis.

Universal

Contract provides for 45 features and 16 westerns, with four at 40%,

eight at 35% and the rest outright. U negotiated many selective contracts and is giving cancellation privileges ranging from 10 to 20%. Did not force shorts or news, it is stated. Company reserved guarantees and preferred dating on some contracts, not in the majority of instances. Examples of selective percentage deals are the following: six at 35% and 23 flat for a total of 29; four at 35% and 22 flat for a total of 26; and three at 35% and 23 flat for a total of 28.

Warner Bros.

Offering 48 features (not counting two specials), the terms sought were four at 40%, eight at 35%, eight at 30% and 28 flat. Deals negotiated varied, the following being typical: all 48 features flat with a 10% cancellation permit; 32 all flat under selective contracts; four at 35% and 44 flat, with a 20% cancellation; two at 40% and 46 flat, with no cancellation; and two at 40%, six at 35% and 32 flat under selective deals. Here again it is claimed shorts were forced, but qualified that this existed for about half of the contracts.

Monogram and Republic product was bought 'just about the way the exhibitor chose, with the exception of those in competitive spots,' AID reports. 'Some were allowed to spot book,' the survey adds.

Annenberg

Continued from page 16

State during the term of the agreement and the parallel dates of exhibition, showing that films in many cases were played 16, 11 or 12 days at the Downer, and frequently 14 days too early at the State, the showing at the second run house starting the day after the conclusion of the showing at the first run theatre.

The agreement, which incidentally provided for the placing of all insurance, purchase of light, water and heat through the agency of the M. L. Annenberg company, was signed by Erwin I. Trosch, president, and Julius J. Smith, secretary, of the Oriental and Tower corporations, and by H. J. Fitzgerald, vice-president, and J. N. Blatchford, treasurer, of Wisconsin Amus. Co. Consent to the agreement was signed by M. L. Annenberg, president, and A. Trosch, secretary, for the M. L. A. Investment Co.

It was the defection of the Annenberg theatres, Oriental and Tower, that recently caused the breakdown of the agreement among Milwaukee exhibitors to go to solo features the first of September. Annenberg himself, former Milwaukeean and publisher of the Philadelphia Inquirer, is serving a three-year prison term in Chicago for evasion of \$1,217,296 in Federal income taxes.

'Soundies'

Continued from page 16

Film rents for \$15 down to \$10 or less a reel a week. It goes down progressively each week the distrib holds it, hitting the \$10 mark at the end of four weeks.

Tossing in the cost of a serviceman, a manager, overhead and 1/4% royalty to ASCAP, Mills figures in a very fancy book that was also passed out at the Waldorf that a distrib with 10 machines can not only pay off one-third the purchase price of the boxes, but make himself \$12,000 the first year.

Estimate is based on gross of \$50 per machine per week, which is 71 plays a day or 3 1/2 hours steady grinding. Their earning capacity is \$2 an hour. The \$50 intake estimate is based on the fact that there are 30,000-60,000 locations in which ordinary jukeboxes now do \$25 a week. Inasmuch as the 'Soundies' get a dime instead of a nickel, the take is twice as much—or so the pretty book says.

Slotter Takes Quarters

Hollywood, Oct. 22.

Newly organized Hollywood Quality Pictures, Inc., moved into new quarters at the Rialto Road studio to produce slot-machine films for Hollywood Talkietone Co.

Cecil B. DeMille is one of the financial backers, and Herb Moulton is in charge of production.

Ray Close's Ambish

Minneapolis, Oct. 22.
It's a far jump for Ray Close here.

He resigned as manager of Pantages theatre to become a member of the Minneapolis fire department, realizing a life-time ambition.

THEY ALL WANT HEMINGWAY'S LATEST

With five major companies and a number of top indie producers bidding heatedly, Ernest Hemingway's new novel, 'For Whom the Bell Tolls,' appears certain to be sold to films within the next couple of days at a price exceeding any ever paid for screen rights to a book.

Bidding is now past the \$100,000 mark, with Maurice Speiser, Hemingway's attorney, who is acting as agent for him, holding out for \$150,000. It's reported that Samuel Goldwyn has offered \$100,000 plus 10c for each copy sold, which would mean a \$150,000 total if the sales went to 500,000 copies, which is held to be possible. Speiser, however, has declared he has no interest in such deals, but wants a flat price.

In the running now, it is understood, are 20th-Fox, Warner Bros., Paramount, RKO, and Metro among the majors, and David O. Selznick, in addition to Goldwyn, among the independents. Walter Wanger was interested, it was said, but dropped out when the bidding got too steep. To reach the highest price ever paid for a novel, 'Bells' will have to hit the \$110,000 that RKO paid for 'Cimarron'.

Film interest in the book, which was at a peak last week, hit even new highs following reviews Sunday (20) and Monday, when the volume was published. Both N. Y. Times and N. Y. Herald Tribune Sunday book sections led off with a review of it, and critics on all sheets were unanimous that it's best Hemingway yet. 'Bucharest Ballerina Murder,' a mystery novel by Van Wyck Mason, was purchased by 20th-Fox on Monday (21). Studio paid \$16,000 for the book and made an arrangement with the author to work out the screenplay for six weeks at \$1,000 a week.

Mystery is to be published on November 1 by Stokes. Agent Hal Matson reps Mason, who's author of 'Stars on the Sea,' currently near the top of the best-seller list. 'Murder' is his first screen sale.

Metro Monday (21) purchased 'Vanishing in Virginia,' by Rebecca Yancey Williams, for about \$25,000. Book was published by E. P. Dutton a week ago and has been mounting on the best-seller list. It resembles in some respects 'Life with Father,' dealing with a family of three kids in Virginia. It's a combination of fact and fiction.

Story Buys

Hollywood, Oct. 22.

Stephens-Lang Productions, purchased 'Midnight Call,' by Daniel and Harold Kussell.

Columbia bought 'The Doctor's Husband,' by Dalton Trumbo.

GOLDWYN'S PLANS

Emphasis on 'Escapist' Films, Due to World Ills

San Francisco, Oct. 22.
Samuel Goldwyn will concentrate on 'escapist' films during the ensuing season, he stated here during a stop-over en route to Hollywood after a visit at the Hearst ranch.

Reiterating his traditional stand that good product will be more of a gold mine than even with millions flocking to theatres to forget for a moment the woes of the world.

Summarizing his reactions to a recently completed U. S. jaunt, Goldwyn stated that 'the public wants escapist pictures that will take them completely away from everyday surroundings. I am going to give them that type of pictures. I am going to make a musical, and a very funny comedy with Bob Hope. I've got plans for another Gary Cooper picture, too.'

On the question of double bills, Goldwyn commented on the fact that soiling of big pictures has become more prevalent in Frisco and said he felt the trend was the same throughout the U. S.

Theatres—Exchanges

Continued from page 8

organization in Philadelphia which might also come in with the Variety Clubs, if a merger is effected. The M.P. Academies of New York, which held its first banquet-dance last winter, will hold a similar affair but on a more elaborate scale Nov. 20 at the Hotel Astor.

New Germantown, Pa., Link

Philadelphia, Oct. 22.

Stanley-Warner's new Vernon, in Germantown, unshutters on Friday (25).

John Schaeffer now handling the distribution of Select Pictures in Philly area.

Harry Blumberg, National Theatre Supply, stilling again.

Benjamin Weintraub and Eugene Light have taken over operation of Victory Theatre.

L. J. Chamberlain outfit planning to reopen the Hollywood, Mt. Carmel.

James Mallon, newly appointed director of the AFL, guest speaker at the meeting of the Exchange Employees Union last Friday.

WDAS airing backstage broadcasts from the Warner Club each Tuesday with stars appearing at Earle's guesting.

Frisco Film Briefs

San Francisco, Oct. 22.

William Heineman and Bill Scully of Universal in town for product deals and confabs with Barney Rose, local branch manager.

Ben Westland, representing Film Alliance, said that George Do It, British flick in which George Formby hits Hitler in the nose, into the Berkeley theatre, Berkeley, as the first British studio preview. Although he has never seen picture, Pearce Davies, managing editor of San Jose Mercury-Herald, has written editorial mentioning film and suggesting exhibs give public chance to see it.

Booked by Fox West Coast and then rejected, 'Baker's Wife,' French flick, finally got San Jose showing at the Hester, indie operated by Milt Samis, Sunday (20).

William Wolf, former RKO branch manager here, has opened the Sunset. Subsequent run nabe, after extensive remodeling. Acquired house after previous operators were dismissed.

United Artists exchange moves from present Hyde street spot between Metro and RKO to ground floor of Paramount exchange on Golden Gate avenue on Nov. 2. Par moved into newly overhauled quarters month ago.

Mario Parisi has leased downtown Tivoli for two weekends in November to show Italian flicks. Parisi operates the Princess, nabe.

Don Smith's Promotion

Minneapolis, Oct. 22.

Harold Field, president of the Pioneer circuit of Iowa theatres, has elevated Don J. Smith, who has been his manager at Carroll, Ia., to the post of district manager. The district office has been moved from Des Moines to Carroll so as to be in closer proximity to the operating field, it is explained.

Max Factor will continue in his present post as circuit booker and assistant to Field, but will relinquish the district manager duties.

Cyril Lebedev resigned as manager of the Homewood, local indie nabe, to join National Screen, Kansas City, sales staff.

Dick Stahl, Universal booker, promoted to sales staff and will cover South Dakota, succeeding Sylvan Leff, the latter transferred to Buffalo.

Joe Gundy Back in Biz

Denver, Oct. 22.

Joe Gundy back in the theatre business. He resigned as manager of the Alpine, but when his successor, Russ Millican, was alleged to have absconded with some of the theatre's money, Joe went back on the job. Dave Cockrell, owner, has preferred charges of forgery and embezzlement against Millican, and the d.a. is looking for him.

Miriam Briggs, daughter of E. P. (Buz) Briggs, manager of the State, Denver, and William Ostenberg III, owner of William Ostenberg III, owner of several theatres in and around Scottsbluff, Neb., will be married in Denver at the St. Thomas Episcopal church on Nov. 11. Ostenberg III is manager of the Bluffs theatre, Scottsbluff, where the couple will make their home.

Clare Sanders, in from N. Y., manager of the Fox Isis at Boulder, Colo.

Robt. Selig, manager of southern district for Fox Intercontinental theatres, recuperating at home following operation.

C. A. Mullock, manager of Palace, recovering from serious operation.

Samuel Friszes, Crested Butte, Colo., to R. C. Verzi.

Warner Gavin and Arthur Jackson buy the Eaton, Eaton, Colo., from H. L. Eaton.

Everett Cole, theatre owner of Alamosa, Colo., running for state representative.

Fox Intercontinental opens new Fox,

La Junta, Colo., 700 seats, about Nov. 14. About \$43,000 was spent in making over the old Bourke, the only thing being salvaged was the four walls.

Neil Beezley has sold his Grand to Allen Thamer at Littleton, Colo., and made manager of the Plaza, Denver.

Average Admish

Continued from page 7

put at 55,000,000. If this 55,000,000 went to the theatres once weekly, the 5c lift would mean \$3,000,000 or \$156,000,000 on the year. More conservatively, should the 60,000,000 attend just once a month, it would mean \$36,000,000 more than is now being realized.

U. S. Tax Tipoff

A general study of the new Federal tax which was added to all admissions over 20c on July 1 last would indicate that the extra cost to the patron has not interfered. This, in part, is encouraging an attempt to lift scales. Opinion also expressed is that with the war it might not be difficult to realize more at the b.o., the same as during the first World War when prices were raised every where.

Experiment in juggling morning prices from 8c to 10c by the larger downtown New York theatres has had no appreciable effect in minimizing the normal crowds to be expected. As result more is being taken in by the theatres; and, with the 35c price in effect, not so many people have to be played to in order to come out as well on the b.o. statement as before. Still another angle is the inability of theatres now and then to handle the crowds pressing to get into the theatres. Very often downtown N. Y. houses have had to stop selling tickets, turning people away before the one o'clock price change has been struck. This also happens elsewhere.

It has been found that since the 10% tax went into effect on admissions ranging from 21c to 40c, previously exempt, larger crowds in various towns have been clocked at houses charging 20c or under, whereas the traffic at the theatres, formerly no more than 40c but now subject to tax, has been lighter. This is a factor that's leading operators to the conclusion that there should be a slight increase in the so-called 'A' house, so that the 'B' now at 20c, or under, might also move its prices up a notch or two.

Giveaways to First Runs

In many cases where an operator is in a town with first and a second run house, bank nites and the like have been used at the latter right along. As result of the tax which went into effect nearly six months ago, the bank nite or giveaway gag is being shifted to the first runs where more admission, calling for tax, is being charged.

The Paramount, Strand, Roxxy, Capital and Rialto at the downtown New York houses which opened from 28c to 35c, including tax. State, second-run operation in the Loew chain, also using vaudeville, was not invited to come in. It remains at a morning price of 28c, including tax, but Al Rosen, house manager and one of the most experienced showmen on Broadway, is desirous of trying to get a little more and thinks the traffic will bear it.

Rosen has recommended that a morning scale of 30c, which is 27c, net to the theatre and 3c tax, be imposed. He is also toying with the idea of a 40c price for certain periods and seats, or 38c net to the theatre and 4c tax. One of Rosen's ideas is to come out at even amounts, this in turn making it easier to handle money, lessening burden on cashiers and expediting the work of making change.

There have been complaints in this connection because of the problem of making change and the necessity for handling so many pennies, getting them from the bank, counting up, depositing money, etc.

While the State is at 28c for orchestra and 44c for loges up to 1 p.m., the rest of the prices have been figured at even amounts of 55c, 65c, 75c, 90c and \$1.10, inclusive of tax. The 90c scale, for loges on matinees, is 81c net to the theatre, while the \$1.10 scale, for loges Saturday-Sunday nights, is \$1 net to the house.

State gets 39c on Sundays from opening at noon until 1, while scale for others vary, some taking only 35c, others 44c. Rosen believes there should be a standard scale for the Sunday opening hour.

THRILL...! Showman!



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BASIL RATHBONE

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1

MARK THAT DATE! World premiere at Albee and Shubert Theatres in Cincinnati, home-town of Tyrone Power...and Tyrone Power appears in person! Tremendous human-interest! A publicity natural for the nation! Coast-to-coast broadcasts! Tyrone Power starring on Kate Smith Hour (8-9 P. M. EST) NOV. 1, and Vox Pop air show (7:30 P. M. EST) OCT. 31, over CBS, both emanating from Cincinnati for the occasion! 20th showmanship backs 20th's big ones!



Ansell Bros. Make a 3d Beef Over Stagehands Unions' Tough Tactics

St. Louis, Oct. 22. The third beef made by local exhibitors to the anti-trust division of the Department of Justice in recent weeks concerning the tactics of Stagehands' Union, Local No. 6, was registered by the Ansell Bros., who operate three deluxe nabes here. Characterizing the demands of the Local as "excessive," Lou Ansell said he and his brother have aschained plans for inaugurating a combo stage show policy in their 1,474-seater Empress in midtown. When the idea crystallized several months ago, Ansell said he made inquiries as to the number of stagehands would be required. At present, with no stage shows, the theatre employs three grippers whose only duties are for maintenance and pulling the curtain.

The Union, througherville Newlin, business representative, according to Ansell, demanded that nine men be hired; six at \$75 per week and three at \$67.50. This was declared by the Ansell to be excessive as they pointed out that the Tower, a 2,100-seater in Kansas City and operating all days employs four men with a fifth paid by the four; the Oriental, Chicago, with a seating capacity of 3,600 gets along with seven men, and the State-Lake, also in Chicago, and a much larger house than the Empress also uses only seven grippers. The Ansell also said that when the Fox, Fanchon & Marco's 5,000-seater here, presents stage shows 12 men are used backstage although its seating capacity is almost four times as great as the Empress.

The Ansell offered to hire six men but this proposition, they declare, was turned down. They assert the small seating capacity of the Empress doesn't justify the employment of more than six men and they stated that four men could easily work the shows they planned to present. The policy would have included a house line, vaude acts, production numbers and a m.c. Numerous huddles were held between the Ansell and Newlin but when the union exec refused to budge from his original demand the whole idea was discarded and attention to the situation was called to the anti-trust experts.

Other Squawks
The first of the other two beefs was made recently by Bess Schuler, owner of the Powhattan, a nabe in Maplewood, a suburb. She complained that her house was shuttered when two projectionists were pulled off the job after she refused to hire a stagehand for whom the house had no need. She reported that no stagehand had been employed in the house for more than three years. The next to beef was Clarence Kaimann, who, with his brothers, operates a string of nabes in North St. Louis. Kaimann complained that he was denied stagehands for three of his houses when he wanted to present a traveling show that had previously appeared in several houses owned and operated by Fred Wehrenberg in South St. Louis.

Several months ago Kaimann and Wehrenberg formed the Greater Independent Circuit by merging their houses, a combined total of 25, in a booking pool. Kaimann and the Ansell as well as Wehrenberg, were important witnesses for the Government against John P. Nick and Clyde A. Weston who recently were convicted of violating the Federal anti-racketeering act and each was sentenced to five years in a Federal jug and fined \$10,000. Several of the 11 charges against them grew out of the administration of IATSE, Local No. 143, and the alleged pay-off collection of \$10,000 and \$6,500, on different occasions, from exhibitors when wage increase demands for the projectionists were pending. The increases were not granted, testimony showed.

Miss Espe Suicides

Hollywood, Oct. 22. Geraldine Espe, 36, assistant public relations director for the Hays office on the Coast, committed suicide Oct. 21 by monoxide on the outskirts of Hollywood. She drove into the hills with her mother and dog and all were found dead Tuesday morning (yesterday).

Miss Espe quit her job last Saturday, indicating to friends that she was in a financial jam. She held down the top spot at the local Hays office in the interim of changes.

CUMMINGS' CLOSE CALL IN AUTO ACCIDENT

Omaha, October 22. Everett Cummings, district manager for Tri-State Theatres in Nebraska and Western Iowa, had a narrow escape from death or serious injury a few days ago while driving with Mrs. Cummings. They were approaching Grand Island when their car left the road, turned over twice, landing on its wheels. However, Cummings was tossed through the windshield shredding his coat but inflicting not even a single scratch on his face. One slight cut on the hand and some bruises are the extent of his injuries.

Mrs. Cummings was shaken up and went to her old home in Rock Island, Ill., to recuperate. The car was badly damaged.

Ted Gamble Leaving Parker, On His Own

Portland, Ore., Oct. 22. A shakeup in personnel of the Parker Theatres is in process. Ted Gamble, general manager of all the Parker houses, now owns and operates the Capitol as a private enterprise. He leaves Parker Nov. 1. Grover Handley, now manager of the United Artists, will become supervisor of operations for the two houses in Portland, while the theatres in Pendleton and Astoria will be under their local management.

Vic Keedy left the position of manager of the Broadway last week to go with Joe Daniels, Seattle vaudeville agency. William McCurdy will come in as manager of the Broadway and take charge of advertising for both the city houses.

Casey-Browne

Continued from page 1.

for the AFL are being handled by Aubrey Blair, former executive secretary of the Junior Screen Actors Guild and recently appointed AFL organizer for the film industry.

Demands for a 30% wage increase have been filed with the producers by the studio scenic artists. The proposed contract was submitted to Pat Casey, producer-labor contact, by Herbert Sorrell, business representative of Moving Pictures Painters Local 644, with which scenic artists recently affiliated.

Two-Year Retro Pay Hike
The artists are asking a 15% tilt, retroactive from July 1, 1937, to Aug. 25, 1939. They request an additional 15% hike, retroactive from Aug. 25, 1939, to present date. The proposed minimum wage scales seek \$200 per week for foremen on call, \$4 per hour for gang bosses, \$3 per hour for journeymen scenic artists, \$2 per hour for assistants, and \$1.55 per hour for shop men. An additional 50¢ per hour is requested when men are required to perform on scaffolds, parallel, bolstering chain, swing stages or ladders. Contract calls for straight time for work performed between 8 a. m. and 6 p. m., time and a half for all work between 6 p. m. and midnight, and double time for work performed between midnight and 8 a. m. Foremen would be permitted to hire one assistant and one shop man. Two additional scenic artists must be hired before any additional assistants are employed.

Walter Sharpe, who recently checked out as business representative of the Society of Motion Picture Film Editors, has joined the AFL group organizing Los Angeles retail clerks. He is serving as a trouble shooter for Dick McDonald, international representative of the Retail Clerks Protective Association.

Extra earnings for September were nearly \$100,000 less than for the same month in 1939. In addition there was a substantial decrease in \$8.25 calls. A total of only 18,157 jobs were passed out by Central Casting Corp. in September, as compared to 26,421 in September, 1939. Total earnings for last month were \$203,931, as compared to \$291,637 in the same month of 1939. Total earnings for the year so far are more than 35% behind 1939.

DEUTSCH IN MIDDLE OF 'OBSCENE' PIX CHARGE

Cleveland, Oct. 22. Although Richard Deutsch, sports promoter and head of an indie film exchange, escaped charges of possessing obscene films by taking only a slight fine for a rap, the case is still rocking Film Row and snowballing into an investigation by county prosecutor.

Deutsch, who owns a theatrical printing company as well as being top-man of a sports arena and the Pioneer Film Exchange, was first arrested last week as result of an anonymous tip given to the cops. Carrying a search warrant, a police captain invaded his office and seized five rolls of obscene films from a filing cabinet. Deutsch said he never rented the pix but sometimes loaned them to friends for "social purposes."

His attorney won a dismissal on contention that the law against possession of 'obscene articles' under which the promoter had been charged, could not have been intended to apply to motion pictures because films were not commonly used in 1905 when Section 13035 of the Ohio General Code was passed.

Deutsch bounced back into court three days later when the same police captain re-arrested him, this time charged with violation of an amended law, Section 13040 passed in 1939, which specifically prohibits possession of obscene pix. Upon suggestion of his lawyer, he pleaded guilty to this charge, rated a misdemeanor that carries with it a maximum penalty of six months in jail and a \$100 fine. Judge ruled that he should be penalized only the fine. Under the first felony statute he would have faced a maximum of \$2,000 fine plus five years in the state pen.

Threatening to grow into a case celebre for Ohio, it is being reported by County Prosecutor Frank T. Cullinan, who pointed out that Ernest Powell, a Cleveland, had been indicted on precisely the same felony charge only a week before. Pleading guilty to owning indecent films, Powell was sentenced to Ohio Pen for one to five years by a judge—not the one Deutsch faced—who said: "Any person who comes before me on a similar offense will go to the penitentiary. Newspapers are also joining Cullinan in a hullabaloo expose to discover how come the wide difference in penalties although both cases are allegedly identical."

Scully Talks 'Boystown' With Father Flanagan

Frank Scully stopped off at Boystown, Neb., after his New York vacation, to talk with Father Flanagan on the book which the writer is to do for Doubleday-Doran, treating with the entire history of the boys' refuge institution. Book may tie in with the sequel to the 'Boys Town' film which Metro has been making.

Scully, writer and quondam politician, who alleges he was "framed" in a Los Angeles political row, has returned to the Coast to have his "Fitzkrieg" (as he calls it) with the L. A. district attorney, Buron Fitts, arising from the local situation. While east, Scully set another book with Simon & Schuster, and a possible play production idea which his lawyer-friend and mentor, Fanny Holtzmann, is handling.

Warners to Distribute

London Air-Raid Short

"London Can Take It," a seven-minute short made for the British Ministry of Information, will be distributed in this country by Warner Bros. Deal was set by Alfred Duff-Cooper, top of the propaganda office, phoned Harry M. Warner in New York and asking him if he would take it.

Personal friend of Duff-Cooper, Warner said he would agree to distribute it, pending seeing it, and if given permission to switch the commentary or put on a new one if it was felt necessary. Original is by Quentin Reynolds. London correspondent for Collier's. Film was delayed in transit on the Clipper by bad weather, but decision on final release form is expected by today (Wednesday).

Film will be sold similarly to other WB shorts, although it will probably be on a separate deal. It was designed to show neutrals, especially Americans, how London is standing the blitzkrieg. Film contains scenes filmed during air raids, as well as shots of damaged homes and buildings in London.

Decree Going Through

Continued from page 5.

fore Federal Judge Henry Warren Goddard in N. Y. to Oct. 20 to allow for the presentation of the decree to Chairman Arnold and Robert Jackson for approval. This is just a formality, as both the attorney-general and his trust-buster have been receiving copies of all approved and agreed upon points during the past several weeks, and have given their unofficial approval to all matters. As soon as these men grant formal approval, the decree, which will be mimeographed in the meantime, will be handed up to Judge Goddard for approval, along with a copy of the new suit to be instituted by the Government against Columbia, United Artists and Universal, the three non-theatre owning major film companies, against whom the U. S. must secure a court ruling by June, 1942, as provided by the terms of the decree. This action will be based primarily on the selling practices of these three companies, which the Government will attempt to prove illegal.

UA and U Not to Oppose; Columbia Probably Ditto

United Artists and Universal have agreed not to oppose the decree as harmful to themselves in court, and Columbia is expected to follow suit. With the handing up of the decree court will then set a date probably within a week, for a hearing at which time the independent exhibitors throughout the country, on whose behalf the action was filed, may voice their grievances and disavow the terms of the decree. That these grievances will have little or no bearing on the outcome is confidently expected by the Government, which feels that the court will give little heed to the independent groups. Reasons for this is that none of these independents actually, according to what they want, and the court is expected to see the Government point of the impossibility of trying to satisfy everybody.

In this regard the blocks of five provision of selling will not be touched, despite howls for cancellation from now on by the exhibitors. In connection with the settlement of the major action, the producer-exhibitors will be dropped as defendants in the Schine, Griffith anti-Crescent suits. A similar consent decree to that offered the majors will be tendered these independents if they come in and ask for it, otherwise these actions will be tried. In signing the decree the majors will not admit they have been guilty of any monopoly, but will promise no monopolistic practices in the future.

Producer-Exhibits Not Curbed on Expansion

One important phase of the settlement will provide that the producer-exhibitors may acquire theatres by building or buying in territories in which they are not now operating, if they find it necessary to do so to protect their theatre interests now outstanding.

The American Arbitration Association also took part in the final discussions and it was announced that the Association has set its heads for the 35 regional boards to be established throughout the country. The men set have been carefully examined to make sure of no past affiliation with either side, so that there may be no question of the fairness of any decision they may hand down. The majors expect that within the next three years, the trial period of the decree, that some 12,000-15,000 cases will be subject to arbitration.

The decree itself is little different except in nomenclature than its predecessors, which have already been printed in several versions.

Its principal points provide for arbitration selling in blocks of five, tradeshowings and drop all threats to theatre divorce or production activities.

The action against Columbia, United Artists and Universal will be filed by mid-November with the actual trial expected to get under way by May at the latest. The Government expects that the trial will take less than three months with the action readied for the appeal courts by this time next year.

While no definite word can be secured on a court ruling on application of independents to intervene or for permission to appear 'amicus curiae' it is believed that the court will unqualifiedly deny the first, on the grounds that the Government represents the entire industry outside of the defendants and that all the necessary steps have already

been taken to protect all interests. It is impossible to please all, and if a small group suffers to aid the majority the small group's complaints will not bear muster with the court.

The end of the Fox-West Coast and B. & K. disputes again saw the Government yielding a point, and the decree will be amended to provide in these two cases only that the limitation in the decree barring chains of five or more theatres will be waived in these two situations, and changed so that any chain operating where Fox-West Coast and B. & K. do may arbitrate, no matter how large. This applies to clearance only, and not to runs which remain as set previously.

Kanin's Units

Continued from page 6.

ever he wanted—anything. It's my belief that if creative people are let alone they'll do the kind of things they want to do, and will therefore do them well. I wanted them to let the writers and directors decide for themselves what stories they wanted to do, and for them to work out the stories themselves. Of course, everyone would be held responsible for what he did, so if his work wasn't good he'd be dropped from the payroll. But if a studio has confidence in a creative artist it should let him work in his own way. If it hasn't confidence in him it should get someone else in whom it does have confidence. That all seems elementary to me, but the studio wouldn't try it—they said it was impractical."

Kanin, whose activity before going to Hollywood three years ago was confined to acting in new shows and assisting George Abbott on production, was asked what it felt like to be greeted as a "boy wonder" when he returns east. "I don't get that anymore," he said with a grin. "People used to rib me that way, but they got tired of it. Anyway, I see only a few friends when I'm here. I don't go out much. Also, strangers don't know me. The public here is little and cares less about a director, they don't see him in pictures and they wouldn't know him if they saw him. So I'm not bothered."

Kanin first clicked a director with "Man to Remember," and would like to do a full schedule of low budget films. According to him, "Remember" cost \$119,000 to produce and earned a net profit of more than \$200,000, even though it was rated as the secondary picture on dual bills, thus being credited with a minor share of the grosses from such engagements. He offered to make a number of low budget films along the same lines, selecting the stories, writers, cast and so on himself. However, he was told, the studio had to make bigger pictures to pay off the overhead.

Tuesday night of last week (15) Kanin was at a night club with John Garfield and several other Broadway-bred Hollywood cronies. They decided to avoid the rush at registration next day by getting to the registration place when it opened at 7 o'clock. It was already late, so the group decided to stay up the rest of the night. They went to Kanin's hotel suite, drank champagne and stayed until nearly 7 a.m., then went around to the registration office, expecting to be first in line. "Who do you think was there ahead of us?" Kanin related. "Bill Saroyan. That guy's terrific. He's got a story in every magazine you pick up, a play in every theatre and an interview or article in every newspaper. Then, damned if he doesn't haunt the registration headquarters, too. You can't get away from him."

Theatre Robbery Foiled, But Usher Badly Slugged

Detroit, Oct. 22. Both a cashier and an usher, the latter being seriously injured, cooperated here in foiling the attempted robbery of the East Detroit theatre. The thug, unarmed, approached the ticket window and demanded that Anna Bushline, 18, the cashier, turn over the day's receipts. Instead, she dropped to the floor and pressed an alarm button. The robber fled and the usher, Joseph McPherson, 19, took up the pursuit, grappling with him in a nearby field. In the fight, McPherson was beaten, kicked in the side and believed to have suffered a ruptured kidney before the bandit made good his escape.

Tom Clemmons Bldg. in Towns In Opposition to Jefferson Amus.

Orange, Texas, Oct. 22. Tom R. Clemmons, formerly with Jefferson Amus Co., will build a new house here as well as a Negro house in the near future. Government will spend \$105,000,000 here on building destroyers.

Clemmons' plans call for other houses in towns now occupied by Jefferson houses and other cities throughout the state. He will head-quarter in Dallas.

More Dixie Building

Spartanburg, S. C., Oct. 22. Dixie theatre construction, which took an early fall spurt, continues on the upbeat.

Bob Talbert, Wilby-Kinney's city manager, announces contract for chain's fourth local unit, will be let within 60 days. Layout will be 800-900 seater, air-conditioned and located in business section. Tentative plan to give local staffers promotion plums, via a general moving up of managers and assistant managers, with little possibility outside man will be transferred to manage new house.

New Boaz opened at Boaz, Ala. Thomas E. Orr manager. Lam Amusement Co., Rome, Ga., has awarded contract for new Cedar town, Ga., unit to G. P. Donnellan, Atlanta. Air conditioning installed State, Spartanburg. Motor Theatre Corp., Norfolk, Va., chartered with \$15,000 capital stock. A. E. Lichtman president.

Construction begun on Charleston, W. Va. house. Dr. W. P. Black and A. B. McCrum, owners, will lease to J. B. Gardner, South Charleston operator. Opening set Jan. 1.

General Amusement Co., Inc., Little Rock, Ark., recently chartered as theatre concern. C. C. Mundo and other incorporators. Southern payroll traffic for week includes: Earl Murray, manager, Ritz, Bartow, Fla., transferred to management of State, Eustis, Fla., and Mt. Dora theatre, Mt. Dora, Fla. Howard Jaudon, manager, Colony, Winter Park, replaces Murray in Bartow. Charlie Orr of Fred T. McLendon on operation and former manager at Luverne, Ala., and Milton, Fla., new manager of Brundage (Ala.) theatre. Robert McLendon, formerly manager of Paramount and Empire houses, Birmingham, Ala., goes to Fairhope, Ala., as manager of Fairhope.

Ralph Blalock, former manager of Criterion, Spartanburg, now purchasing agency for Wilby-Kinney, with Atlanta headquarters. Recently married to Miss Margaret Knight, Spartanburg.

L. & J's New 750-Seater

Atlanta, Oct. 22. Lucas & Jenkins, Inc., operator of chain of 50 theatres in Georgia, last week opened its 750-seat Euclid (nabe) theatre, on Euclid avenue, stone's throw from its Palace and right next door to Mion & Murray's Little 5 Points theatre, which lighted up only a week before. Earle Haddock, mgr. of Palace, will also manage Euclid.

Other L & J managerial shifts include Douglas Ave. taking over at West End, vice Ray Jett, city manager of L & J's nabe houses, who is now maintaining headquarters at chain's de luxe 1,200-seat Gordon, recently opened. Outfit has completed remodeling and reopened DeKalb, in Decatur, Atlanta suburb, increasing seating capacity from 500 to 750. Thomas Royal has been made mgr. Sam Kane, for past three years assistant mgr. of L & J's downtown

Paramount, was upped to managerial post following resignation of Billy Pratt. Chief usher R. E. Sheppard succeeds to Kane's post.

George Wilby & Associates have sold their Kirkwood (nabe) to Col. Lionel Keene, former district mgr. in south for Loew's. Keene has been staging am shows since severing Loew's connection.

Interstate's Trio

Dallas, Oct. 22. Interstate-Consolidated is making plans to construct three new theatres in Texas at Corsicana, Paris and Brownwood, according to Bob O'Donnell. All of them will be ready by the end of January, 1941. The Brownwood house will seat 800, and the other two will have capacities of 400 each.

Construction will begin within 30 days and they will be of the same type prevailing in the de luxe houses of the circuit.

New House in Dutch W. I.

Godfrey Bergman has been appointed manager of new 1,200-seat theatre in Willemstad, Curacao, Dutch West Indies. House is owned and operated by Mensing & Co., and will be opened in very near future. Bergman says Nov. 8 for Curacao.

More Mich. Construction

Detroit, Oct. 22. Even fall-falls to halt the heavy theatre building program in Detroit and nearby Michigan.

Joseph Miskinis, owner of the Alden, has announced another new house, the Civic, to be built on the West Side. He has withdrawn from plans to erect the new Carmen because of a restraining order issued to his former partner, Joseph Stolia. The latter went to court on Miskinis' part in the construction of the Carmen charging that when they dissolved partnership they had made an agreement that the latter was not to build within the vicinity of their former house.

The Krim Circuit has broken ground for a new 600-seater on Detroit's main stem, Woodward avenue, in Highland Park.

John Tabor, who manages the Chandler here, is branching out into the state and is building his new theatre, the Orr, in Fowlerville.

George F. Smith, who operates the Lyric in Lapeer, shortly will have another theatre, as yet unnamed, in operation in the same Thumb community.

WB BRIEFIES 85% MADE

But Little Production Remaining For 1940-41 Schedule

Warner Bros. is more advanced than ever before in its history on shorts product at this time of the year. With the film season seven weeks old, company has 85 per cent of its 1940-41 briefies in cans, according to Norman Moray, shorts head. Still to be shot are only two black-and-whites, one color, three bands and three spots, which will be completed by Dec. 1.

Making the one- and two-reels at the Biograph studio in the Bronx during previous years, shooting speed was stretched out to keep employment even throughout all but the summer months. Working now at the company's Hollywood lot, the briefie producers have been able to whip through them.

For the patriotic historical two-reel Technicolors of past couple years, WB is subbing similar ones on national defense. They are 'Meet the Fleet,' 'March on Marines' and 'Service with the Colors,' which are already completed, and 'Wings of Steel,' now being made. Another similar one, 'Flag of Humanity,' dealing with the Red Cross, will be released to coincide with that org's annual drive.

Defense shorts have been turned out in cooperation with U. S. Government, which is lending every possible aid in way of exploitation to parades to theatres showing them, big guns to place in front of the houses and similar devices.

CONGA LINE FORMING

Hollywood, Oct. 22. Vincent Sherman draws the directorial assignment on 'Fiesta in Manhattan' at Warner. Picture allows his present chore as pilot of 'Trial and Error.'

'THEY KNEW' ALL RIGHT

Detroit Students Cause Riot Call at the Fox

Detroit, Oct. 22. Police riot squad had to be called out here when a mob of 500 students of Detroit Institute of Technology, homework bound after annual class clash on Belle Isle, tried to crash the Fox theatre downtown. Doormen and ushers stood off the youngsters, who had spent the morning battling each other, for some time but when they started to get tough the cops were called out.

It is the first time that collegians have tried to crack a major downtown house in Detroit. Although nearby Ann Arbor has had its troubles with gangs from U. of M. Screen attraction was 'They Knew What They Wanted.'

Better Films Council Queries St. L. Exhibs On Duals and Triples

St. Louis, Oct. 22. More than 100 exhibitors in St. Louis have been put on the spot by the Better Films Council of Greater St. Louis that last week sent each letter asking them to state their position on the double and triple feature policy. The Council is opposed to the prolonged programs in the belief that the health and moral effect of kiddies and grownups alike are thus endangered.

The letter reads, 'The Better Films Council of Greater St. Louis appreciates the fact that motion picture exhibitors are faced with many problems, some of them difficult, some almost impossible of solution. We are not only sympathetic but have tried to be helpful and cooperative. We have never asked anything for ourselves and desire only your cooperation as a reward for our time and efforts.'

'We have been greatly concerned in the problem offered by double feature programs. We have from the very beginning taken a position in favor of the discontinuance of that policy. Long programs are a physical and mental strain on children and young people. Many family programs are marred by the presentation of an adult film with one rated for the family, and it is impossible to expect support for an outstanding film when it is shown with an inferior one.'

'Now we have the threat of triple feature programs. We have never felt that a vacation period, or of courage on the part of a business man to take a definite stand; that good business principles and practices demand such a course. We should like by return mail, if possible, to have you express yourself on the subject of double and triple programs, to tell us whether or not you are against such practices. Also we should like to know what your intentions are regarding such programs. Please tell us concisely and unequivocally whether or not you would join a movement to get back to the single feature programs, whether you are going to continue double features, and whether or not you are going to show triple features.'

'All of us are returning to work after the vacation period, and we should like to know your attitude towards the contents of this letter so that the work of the Council may be guided and formulated accordingly.' The letter is signed by Mrs. Guy Randall, president.

NAT'L BD. OF REVIEW TO MEET NOV. 14-16

Annual convocation of National Board of Review of Motion Pictures has been advanced from usual date in February to Nov. 14-16 this year. James Shelley Hamilton, exec sec, disclosed this week.

Reps from NBR affiliated groups throughout the country will attend the sessions at the Hotel Pennsylvania, N. Y. This is the 17th annual get-together of the body whose seal appears on all products of the majors and is accepted in many states in place of official censorship.

'East Siders' Out West

Hollywood, Oct. 22. Robert Emmett gets the associate producer chore on 'East Side Kids' a Monogram feature with Joseph H. Lewis directing.

Troupe of shaves off today (Tues.) for Prescott, Ariz., to shoot outdoor sequences at the CCC camp near there.

Much Indie Theatre Building Activity in Towns Adjacent To U. S. Military Training Camps

Although the army itself will operate all picture theatres and other amusements at training camps throughout the country, reported there is much independent exhibitor activity in the direction of moving into towns in which the camps are located or near to them. In many cases these towns are circuit-held, so to speak, but where the chains are major-controlled there is a tendency not to expand under the status quo position of the U. S. anti-trust suit against the producer-distributors.

Camps are or will be adjacent to some towns that are comparatively small and are not well theated. In some cases the number of men to be in training in certain camps will be four or five times the population of the towns, with result indie exhib interests or outsiders now not in the operation are preparing to move in for a killing. The question of film supply in some cases may become a problem for invading indies, but there are numerous towns where there will still be sufficient product available to go around for an additional theatre or two.

Activity in the night club, restaurant, hotel and store lines is also reported in advance of placing at least 800,000 men into training by next June through the draft. It is problematical what will happen after that, but anticipated that no camp will accommodate more than 20,000 soldiers. In addition to the 800,000 scheduled for training by March, there will be another 800,000 to consider in the National Guard, the regular army and among officers.

It is estimated that there will be close to 100 camps throughout the country. Most are located on the outskirts or near to smaller towns, and in many instances more than one community is expected to benefit. Of course, the men going into training are drawn from other cities or towns, being a loss to the latter.

For the distributor the film bought by the army for showing under its auspices within camp grounds, as well as added revenue from towns or near 100 camps or close to that, it is expected to mean something on the rentals side of the ledger. Films will go to the camps themselves at reasonable rentals in all probability, however; but in a town or towns

near camps where the distrib now is not taking out so much, the revenue may be substantially increased.

During the last World War the army operated some camp theatres. This time it will have sole authority and jurisdiction over all amusements, including films, special shows, concerts, bands, etc., arranged for.

Mobilization Booms

Texas Theatre Bldg.

San Antonio, Oct. 22.

New theatres are springing up in nearby cities with the sudden mobilization of troops in Texas for military training. All in all a total of seven houses will be built and opened in the next few weeks.

Interstate will have three; an 800-seater in Brownwood now under construction, a 400-seater in Corsicana, and a 400-seater in Paris.

Phil Isley will open his new house at Brownwood this week with plans under way for a 1,000-seater at Palacios, the home of the Texas National Guard.

Robb Rowley, in partnership with Dunn Courtney, will build a new house at Mineral Wells. Now under completion by R & R is a house at San Angelo.

GREENE CO-TRUSTEE OF HARD-LUCK MINNESOTA

Minneapolis, Oct. 22.

Gordon Greene, who managed the 4,000-seat Minnesota theatre at two different times, has been appointed one of its trustees in bankruptcy. The trustees will recommend to the U. S. referee what disposition should be made of the deluxe showhouse for which a petition in voluntary bankruptcy recently was filed. The owners went broke trying to operate the theatre themselves with a vaudeville policy and trying in vain to find a tenant for it.

Nobody wants the \$2,000,000 theatre, the most beautiful in the Northwest, and the trustees may have to decide whether it should be torn down for a parking lot.

New York Theatres

Charlie Chaplin The Great DICTATOR

In his new comedy
CAPITOL, Broadway & 51st St.
Continuous performances. Doors open 10 A.M. 7:30 before 5 P.M. (Saturday, Sunday and Holiday before 5 P.M.) \$1.10 afterwards. Midnight Show Every Night. Tax Included.

Released thru United Artists
ASTOR, Broadway & 45th Street
Seats on Sale for Today's Mat.
Reserved seats Mat. 45c to 75c to \$1.10. Even. at 8:45, \$1.10 to \$2.50. Extra Mid. show Sat. & 5 P.M. Sun. (also Sat. Sun. & Hol. Mat.) 75c to \$1.65. Tax Included.

RADIO CITY MUSIC HALL

"The Westerner"
Spectacular Stage Productions

PARAMOUNT

HELD OVER
"ARISE MY LOVE"
In Person
Francis LAMOND
JOHN HALL
with Claudette Colbert
Ray Milland
Midnight Screen Show

HELD OVER

"Long Voyage Home"
UNITED ARTISTS
Broadway at 49th St.
Doors open 9:30 A.M. MIDNITE SHOW

TITLE CHANGES

Hollywood, Oct. 22. 'The Phantom Submarine' new tag on 'Ocean Gold' at Columbia. 'Ellery Queen' became Ellery Queen, Master Detective, at Columbia.

RKOPALACE

Week Beginning Thurs., Oct. 24
JAMES STEWART
ROSALIND RUSSELL
"NO TIME FOR COMEDY"
— and —
CESAR ROMERO
The Cisco Kid in
"THE GAY CABALLERO"

2ND WEEK

"KNUTE ROCKNE
ALL AMERICAN"
Starring
PAT O'BRIEN & GALE PAGE
A New Warner Bros. Hit
In Person
WOODY HERMAN and ORCHES-
TRA
STRAND
13th & 47th St.
LATE FILM
NITELY

LOEW'S State

Starts Thurs., Oct. 24
Last Times Wed.
"Foreign Correspondent"
"Boom Town"
In Person
Louella Parsons and Her
Hollywood Stars

The 840 acre estate of Central Park is a panorama under your window at The Mayflower, yet you can walk to Radio City or Times Square. Rooms and suites by the month or longer.

The Mayflower
CENTRAL PARK WEST AT 61ST STREET
Richard M. Teichner, Mgr.

Fly Tells Town Hall Radio Class He Hopes War Won't Drastically Disrupt Industry

Chairman James F. Fly, of the Federal Communications Commission, appeared last Thursday as first speaker of a radio course established by George V. Denny, Jr., at Town Hall, New York. In the question period following his talk the chairman gave what may be the first official hint of some of his attitudes. Part of what he said will undoubtedly place the radio industry, part of his remarks probably will not.

Asked if he thought the Government should operate shortwave radio stations he said he did not think it should, and questioned if it could. Other remarks suggestive of an appreciation of some of the all that make a broadcast status quo were voiced. Fly watched his words carefully and the answers were not as flat-footed as indirect quotation may suggest, a warning that seems necessary in connection herewith.

Some Changes Due

Perhaps the most significant answers came to questions about what effect war might have upon the industry. This theme has, of course, agitated stations owners for some months. Fly's hint, in essence, was that he hoped there would be no need to drastically disrupt present hook-ups, etc., and that he felt it would be undesirable to do so. However there was a distinct hint that several clear channel stations might be more or less under military domination and that some frequencies might need re-allocating temporarily to accommodate the expanded Government operations.

In view of the contradictions on the It-war-comes thesis and the fact that there has been some ostrich-like behaviour by some elements these slight and qualified hints from Fly are expected to be widely discussed in the trade.

RADIO'S AID IS PRAISED BY ARMY

Washington, Oct. 22.

Broadcasters got a cheery pat on the back last week for their efforts which frequently gave them headaches—to help put across the military conservation program. Commendation came last week from Capt. Ernest M. Culligan, press officer for the National Selective Service bosses.

In a nationwide talk via NBC on the eve of the immense registration job, the Army spokesman voiced gratitude to the press and radio for informing the nation about the technicalities of the conscription act. He said "the splendid public service they have rendered in publicizing Selective Service is a demonstration of the importance of a free and uncensored press, and radio in a free and democratic country."

'Manifest Destiny' Moves Nan Rae, Maude Davis From Cantor to Smith

Nan Rae and Maude Davis switch from the Eddie Cantor program (Sal Hepatica) to the Kate Smith show (Grape Nuts flakes) this week. Vet vaude comics finished with Cantor last Wednesday night (18) and start the Smith series Friday (25). Cantor released them from their contract with him when they expressed the opinion their spot on his show wasn't suitable to them.

Sam Weisbord, of the William Morris office, who handled the pair for both deals, explained with a straight face that they "were not fulfilling their manifest destiny" on the Cantor series. Young & Rubicam is the agency for both programs.

Buchanan Has Opera

Texaco's sponsorship of the Metropolitan Opera broadcasts on the NBC-blue Saturday matinees, starting Dec. 21, will be handled through the Buchanan agency.

Buchanan is also on the same account's Fred Allen show (CBS).

ROCKEFELLER RADIO APPOINTEE PENDS

Washington, Oct. 22.

Cultural relations with South America division of the U. S. State Dept., under the direction of Nelson Rockefeller, will shortly designate the men who will head the radio and press divisions. Jock Whitney heads the films division.

Karl Bickel has been mentioned as a press possibility. John Royal, of NBC, was mentioned prominently for the radio post, but that is apparently cold because of his new assignment as head of all of NBC's new activities.

While the job is not officially set it is understood Don Francisco, president of J. Walter Thompson agency and Raymond Rubicam of Young & Rubicam agency have been high on the list. Apparently eliminated as unacceptable to many radio sources is Walter Lemmon, shortwaver of Boston.

Harry Delf Plagiarism

Suit Settled Privately

Harry Delf's \$100,000 action against Metro Pictures Corp., Metro Corp., General Foods Corp., Benton & Bowles Inc., NBC Co. Inc., Marcus Loew Booking Agency Inc., Loew's Inc., Frank Dolan, Robert Taylor, and June Clayworth was discontinued and settled Monday (21) out of the N. Y. federal court. Action claimed the defendants pirated plaintiff's sketch in a radio broadcast.

Delf claims to have written a sketch called "The Joker" in 1934. On Jan. 27, 1938, over WEA and WHN, the defendants on the "Good News of 1938" program are accused of having pirated the material of "The Joker" and used it as a basis for the broadcast. General Foods sponsored the broadcast, with it going over WEA of NBC's and WHN of Marcus Loew, respectively. Dolan was the author of the script, and Taylor and Miss Clayworth acted the sketch, with Benton & Bowles being the agency to have set the deal.

Biggar, Mason at Iowa City.

Cincinnati, Oct. 22.

George Biggar, program director, and Ed Mason, farm program director, of WLW, participated in the first annual conference on Applied Radio held at the University of Iowa, Iowa City, last week.

Biggar spoke on the fifth five-year period in the radio industry's development, advancing his expectations up to 1945. Mason was chairman at one of the sessions.



ED EAST

Quizmaster on Colgate's Ask-It-Basket, Varsity says, "East's humor personality and mike background work to the program's advantage in many ways—it's a natural for East."

NBC ARTISTS SERVICE
Radio City New York

WLWO Damage Causes Sabotage Precautions

Cincinnati, Oct. 22.

WLWO, international short-waver, returned to the air Monday (21) night after a 24-hour silence due to a fire that damaged tuning apparatus at its antenna in rural Mason, O., 20 miles north of the Crosley broadcasting headquarters here. Equipment of its sister station, 50,000-watt WLW, was unharmed by the blaze.

Crosley engineers joined state and insurance fire inspectors in investigating the fire's origin. At the same time three guards joined the one already on duty at the transmitter, and visitors were barred. Sabotage rumors are heard.

Permanent repair of the damage will require a month, said Jim Shouse, general manager of Crosley stations. He said a short circuit in WLWO's new equipment might have caused the fire.

Authority for WLWO to operate on all six of the international wavelengths, with exclusive frequencies and no time restrictions, was granted Wednesday (16) by the FCC. No other station has such license.

GIGGLE MOBILIZATION

Hugh Felts' Social Club May Have Chapters Around Country

Seattle, Oct. 22.

Bob Hope has joined the "Seattle Happy Valley, Social, Educational and Croquet Association," of which Hugh Felts, commercial manager of KOMO-KJR, is co-founder. Heretofore this esoteric organization was limited to Seattle radio men. Hope's stooges, Jerry Colonna, Brehda and Cobina, were also admitted to membership.

Purpose of club is "for a much-needed laugh now and then, and it is several years old.

Attempt is being made to form chapters in other parts of the country.

Ford Sunday Show With Ayer for Now

Former Sportscaster Harry Wismer Is With Maxon Agency—Married Ford's Niece

Separate WJJD, WIND

Chicago, Oct. 22.

Ralph Atlas this week moves the studios and sales office of WJJD and WIND to new headquarters on Michigan avenue.

Complete separation of offices for the WJJD, Chicago and the WIND, Gary-Chicago, outfits has been arranged by Atlas so that the two stations will work on a strictly competitive basis.

HORACE STOVIN AS STATION SALES REP

Montreal, Oct. 22.

Resignation of Horace N. Stovin as station relations supervisor for the Canadian Broadcasting Corp. to become an exclusive private station rep, opens up wide field of speculation as to possible changes in station representation in Canada. In recent years All-Canada Radio Facilities, operating the Carson group of stations in west, has been dominant in this field throughout Dominion.

When Carson interests recently acquired operating control of Sifton, nee Richardson, outlets in Winnipeg and Regina, they assumed representation of opposition stations CJRC and CKY in the former city. As a result Stovin has taken over representation of CKY, Winnipeg, and CKY, Brandon, stations owned by the Province of Manitoba telephone system.

Stovin will open offices in Toronto and Montreal as well as in Winnipeg, indicating extension of operations to Eastern Canadian stations.

Among private broadcasters Stovin has always been hailed as the most popular executive in the Canadian Broadcasting Corporation setup. He has been with the Government organization since 1933. Before joining the Canadian Radio Bro. casting Commission he was manager of CKCK, Regina.

Bob McAndrews to L.A. As Brown's Successor

San Francisco, Oct. 22.

Bob McAndrews, for past two years sales promotion manager of KGO-KPO, moves to Hollywood Nov. 1 to become promotion manager for the entire Western Division. He takes spot vacated through advancement of Charles Brown to NBC's New York quarters. Marks second time McAndrews has followed Brown, latter having held sales-promotion post before shifting to L.A. Gene Clark, writer-producer on KPO-KGO staff, moves into McAndrews' present berth.

W. T. Bush Promoted

Providence, Oct. 22.

William T. Bush, commercial manager of WPRO for many years, has been named station manager by President William S. Cherry, Jr. Harvey Carter, recent member of the sales division of the Yankee Network, has been named commercial manager.

Detroit, Oct. 22.

One of the heaviest individual radio accounts, the Ford Motor Company, rated somewhere between \$8,000,000 and \$10,000,000 annually and only topped in its field by General Motors, has been split two ways with N. W. Ayer the loser. Of the diverse Ford accounts, the Ayer company will retain only the Ford Sunday Evening Hour, over CBS, for the rest of the year. The bulk of the giant agency account has been whacked up between Maxon and McCann-Erickson.

Evidence that a reapportionment of the Ford account was given earlier this season with a personal factor playing a part in the transfer. Last spring Harry Wismer, sports announcer, was wed to a Ford niece. He also went to the Maxon Agency. This fall he has been ethering the Detroit Lions game, local pro outfit, over WJR for the Ford Motor Dealers. The Lincoln and Lincoln-Zephyr accounts also went to Maxon and now have been followed by the addition of the Mercury account.

With the more expensive cars of the Ford line now all centered in the one agency, the bulk inexpensive car line, the regular Ford account was placed in the hands of McCann-Erickson.

MIX DANCER GETS TURN AS B-S-H PREZ

Chicago, Oct. 22.

Mix Dancer, v.p. of Blackett-Sample-Hummert for the past three years and account contact for General Mills, has been appointed president and director of B-S-H, effective Nov. 1. This appointment was made by the Board of Directors of the agency. Hitt Blackett, Glenn Sample and Frank Hummert remain vice-presidents and directors and will continue to devote their full time to the agency business. B-S-H heads have had a policy of rotating presidents annually. Sample has been president for the current year ending Oct. 31.

In announcing the Dancer appointment president of agency states that "since the formation of Black-Sample-Hummert, Inc. in May, 1923, only those devoting their full time to our business have ever owned stock or shared in the net profits of the corporation, and no change is contemplated in this policy to which we have rigidly adhered for over 17 years."

Carol Bruce's Continuation With Bernie Program Rests on Equity Ruling

Stand-by will have to be readied by Ben Bernie to replace Carol Bruce as warbler on his air show next Tuesday (29) in the event an Equity decision late that afternoon goes against the "Louisiana Purchase" star. Equity Council session Tuesday has been set for airing of Miss Bruce's tiff with Buddy de Sylva, producer of "Purchase."

De Sylva claims exclusive rights to the singer's services and is attempting to stop her from appearing on the radio show and at the merry old Waddo-Asino in N. Y. If De Sylva is upheld by Equity, it will eliminate Miss Bruce from both spots thereafter, but she is continuing in the meantime.

Bruce camp has intimated that De Sylva's squawk results from the singer's refusal to extend her contract with him beyond June 1, 1941. She has a pact with Universal Pictures to start after that date.

Hub Robinson to L.A.

Hubbell Robinson, Jr., manager of Young & Rubicam's talent department, left for the Coast Thursday night (17).

He will be back around the first of November.

Friday, The 'Stagewait' Night, Looks Likely To Be Tops In Popularity

Friday night's status in radio as a stage wait seems to be coming to an end. While it is far too early to obtain an insight into the audience pulling power of the Friday night schedules on the networks, the commercial bookings indicate that the particular night has a good chance of wrestling away from Tuesday its recent second rating as the most important listening night of the week, excepting Sunday.

Before the advent of Tuesday as the week's most popular listening night, this ranking was held by Wednesday, and before that the No. 1 weekday night distinction went to Thursday by a wide margin. Sunday night became a class by itself in listening power six years, and this position was further strengthened from

the point of view of relativity when the setup of three consecutive one-hour variety shows on the NBC-red Thursday nights later crumbled.

Some of the programs that gave Friday night its stagewait atmosphere are still on the networks, but the trend toward solid entertainment on the Friday night rosters which started two years ago will this season be reinforced by a couple established shows plus a couple others of new vintage that may prove good audience bidders.

Friday night commercial schedules from 7:30 on, by networks, as they currently line up are as follows:

CBS

7:30—Al Pearce (Camel).
8:00—Kate Smith (General Foods).

9:00—Crime Doctor (Philip Morris).

9:30—Campbell Playhouse (program not set).

10:00—Bob Ripley (Nehi).

NBC—RED

7:30—Alec Templeton (Alka-Seltzer).

8:00—Cities Service Concert.

8:30—Information Please (Lucy Stryke).

9:00—Waltz Time (Phillips Co.).

9:30—Arch Oboler Dramas (P&G).

10:00—Wings of Destiny (Brown & Williamson).

NBC—BLUE

8:30—Death Valley Days (Borax).

9:00—Gang Busters (Sloan's).

9:30—J. B. Kennedy News (Nash).

9:35—Happy Birthday (20 Grand).

10:00—Prizefights (Adam Hat).

GENTLE COPY PROVEN BEST

SLIGHTLY COMMERCIAL

VARIETY has not hesitated on several occasions to declare flat-footedly that much, if not most, of the fancy brochures and mailing pieces sent out by radio stations and networks are a somewhat dubious investment. Not to beat about the bush or slow down the axe-grinding stone, VARIETY again suggests bluntly that the same coin could often be more profitably invested in trade paper advertising surrounded and supported and guaranteed reader attention by the proximity of timely news, curiosity-arousing program reviews and, especially in VARIETY's case, the element of editorial surprise.

There is a second thought that goes with this argument. It is this: many of the radio sales promotion writers have to puff a long time over their meditative pipes in order to compose even one line of copy. In consequence they take months—literally—to turn out a single piece. Accustomed to this easy-going style of composition they are instinctively resentful of the deadlines which all trade papers, whether weekly or daily or fortnightly, have to observe. And so they recommend using leisurely and 'literary' brochures (with or without fancy bindings, costly fabrics, artistic lithography, etc.) and they don't recommend trade paper advertising with its fast-acting, hard-hitting, more carefully inspected copy.

Good trade paper copy is undoubtedly much harder to write than brochures. It is a greater tax on energy and imagination. First, because of the pressure of deadlines; second, because inevitably the message must be gotten over with a minimum of words rather than going to novel length like a lot of those fancy mailing pieces.

We seriously suggest that some of the radio sales promotionists might profitably eliminate some of their literary poseur stuff. This God-how-the-guy-can-write line doesn't impress anybody when it takes the alleged genius a full work day per phrase.

Turning out smartie-pants brochures is child's play if given thousands of dollars, plenty of galley corrections and all the time on the calendar. Writing effective trade paper copy is a better test of copywriting ability.

Not to be merely negative VARIETY calls attention to the Oct. 2 issue for two new highs in smart trade paper advertising copy. Take NBC's ad on page 32. It rates mention on four counts:

1. The headline—*Good evening, music lovers, and you too, toots!*—is attentionworthy and is nicely geared to the publication carrying the advertisement.
2. Use of part of the script for copy is a sensible idea, because the script is way better than a phony description of the show.
3. The tie-in copy is easy to read, and flows on smoothly from the point where the script left off.
4. While the copy is fairly lengthy, it is not too long in relation to the interest created by it.

WNEW's ad on page 37 is a strategic masterpiece:

1. The headline is forceful, both verbally and physically.
2. The station is not afraid to boost a piece of talent to the limit. Most stations are afraid on the grounds that the talent will thereafter demand a pay raise or become unmanageable. In flouting this hoodoo of most other stations, WNEW automatically puts itself into a class by itself—which spells prestige. The psychology of this ad is terrific. [Martin Block was the plugged talent.]
3. The copy is short and punchy, and the layout is arresting.
4. The ad is characteristic of the station and its programming aims, and therefore presents a true picture of WNEW. This is important, since some station advertising does NOT present a true picture of the advertiser.

WELL, NEW HAVEN, IS NEW COLONIAL LINK

New Haven, Oct. 22.

WELL, long Connecticut's only affiliated exalter, last week (16) joined Colonial Network out of Boston following signature of one-year pact by John Shepard 3rd and James T. Milne, manager of station, which is considered in Bulova orbit. Deal gives Shepard two New Haven outlets, but WICC, his own property which is also quartered in Bridgeport, is also committed as NBC-Blue basic vent, and WELL will carry Colonial when WICC is linked elsewhere.

Shepard-WELL contract has little commercial importance, but serves network as source of live listeners. Colonial now has five outlets in Connecticut, others being WATR, Waterbury; WNLG, New London; and WTHH, Hartford. WTRC, Hartford, waves Shepard's Yankee flag.

Columbia Phonograph Corp. is meeting with some opposition from stations. Its campaign to get the company's Masterwork platters plugged on the air by swapping the latter for free announcements. The recalcitrant stations contend that the circumstance that they are required to boost the quality of the product and even mention prices puts the proposition on the same commercial level as selling soap, food, or any other article from which a station collects a fee. Columbia Phonograph is, of course, a subsidiary of CBS.

Offer as submitted to stations entails supplying stations with enough Masterwork discs to provide for five

NEW TESTS SHOW BLUDGEON N. G.

Horace Schwerin Develops New Research Technique For Isolating Sick Spots In Radio Advertising — His Methods May Have Profound Influence on Trade Thinking

CALLED SOUND

By EDGAR A. GRUNWALD

Virtually a brand new slant on radio research is being formulated by Horace (Doc) Schwerin, now connected with the Raymond Spector agency. Under Schwerin's methods radio commercial messages (and to some extent, the programs themselves) are dissected in such fashion that sick spots can be improved or eliminated. Schwerin, after two years of research, is now testing his formulas under the rough-and-tumble conditions of actual broadcasting. Preliminary results indicate that a measurable amount of success is being attained (one sponsor upped his fan mail nine times over normal), and consequently Schwerin is planning to expand and elaborate his sleuthing.

Since certain portions of the research are slanted in the direction of Spector clients, some of these details are naturally trade secrets. But the general aspects of the experiments are being made known to

(Continued on page 31)

KEEN INTEREST IN NEW C.A.B. METHOD

Co-operative Analysis of Broadcasting report which was released Monday (21) to subscribers represented the first ratings which had been compiled under the C.A.B.'s new checking system. Of particular interest to the trade were the first ratings shown for Fred Allen and Eddie Cantor, who compete against each other Wednesday night. For the full hour (9-10) Allen came out with 22.5, whereas Cantor, who fills but the first half of this hour) got 19.8.

No breakdown of Allen's rating by the half hour was made available, but what happens to Cantor's audience in some measure when he is through might be deduced from the fact that 'District Attorney,' which immediately follows Cantor, drew a rating of 12.1.

Sets 'Low Grade Publicity Awards'; Fizzdale-Philco Idea to Poll Radio Editors Still In Formative Stage

More Room

Informed last week that military conscription might depopulate many of the radio departments of advertising agencies, a station man quipped: 'Gee, that'll give us more space in the control room.'

SHEPARD RAP AT NBC IS FORESEEN

John Shepard, III, of the Yankee and Colonial regional networks, is reported to have lined up several disgruntled NBC affiliates to join him in filing a petition against NBC in connection with the forthcoming monopoly hearings by the Federal Communications Commission. The paper will be submitted some time before Nov. 11, the new deadline set by the FCC for the filing by NBC and Columbia of answers to the monopoly report handed down earlier this year.

Shepard's grievance against NBC stems from the network's proposal to switch the affiliation of WJAC, Boston, from the red to the blue link next year, with WBZ-WBZA taking over the red assignment. Shepard, it is understood, intends to charge NBC with showing favoritism toward interests with which it formerly had business interlockings and also lack of proper consideration toward stations with which the network has had long associations. Shepard became an NBC affiliate in 1936.

World Series' C.A.B. 25%

Mutual Network's broadcasts of this year's World Series games registered an overall listener rating of 25% in the Co-operative Analysis of Broadcasting. Last year the broadcasts got an accumulative rating of 21%. The highest rating which prevailed when all networks carried the games was 31%.

The lowest rating obtained by any one of the seven series broadcasts was 22.5% and the highest 28.7%. Obviously the curve of interest rose as the tussle for the championship passed the fourth game, since the last three broadcasts each reached the 28% level.

Jo Ranson, radio editor of the Brooklyn Eagle, has established a weekly 'Low Grade Publicity Award' which hereafter will be part of his column each Saturday. It started last week with Ranson reprinting (in agate type) what he considered the week's high in lows from a private press agent. It was a yarn about Ben Grauer's recent trip to Mexico and his decision to lead an expedition back to Yucatan to really uncover the inside stuff on Mayan civilization. Ranson credited the release to David O. Alber and added 'this'—the kind of stuff VARIETY calls waste basket publicity.

Meantime, press agent Tom Fizzdale is reported importing another batch of hinterland radio editors to try again to steam up the Fizzdale-Philco Awards stunt which got some attention earlier. Dinty Doyle has in the meantime been appointed executive secretary to administer the affair, which is variously reported to have from \$30,000 to \$50,000 of Philco cash in the till. Fizzdale is telling the radio networks and others that some 200 radio editors have agreed to form his Fizzdale-Philco jury. Scripps-Howard newspapers, pioneers in polling radio editor opinion, are believed to be conspicuously absent. It is unlikely that NBC, because of its ties with RCA, will cuddle up to a Fizzdale-Philco stunt. CBS has, however, displayed some interest.

Rumors concerning the Fizzdale-Philco awards have caused considerable buzzing in the trade. It is widely understood that various die editors have allowed him to pay their traveling expenses to New York. How this can be reconciled with impartiality is hard for some observers to understand. On the other hand, many of Fizzdale's competitors think that in the event of the awards becoming an actuality most radio editors would lean backward not to include any program or personality with whom the Fizzdale office had any connection.

Philco's thinking is not understood in the trade. Stunt may be a loose adaptation of the Institute of Audible Arts one financed by the radio set-maker when it was under Edward L. Bernays' influence. This Institute was conducted with much dignity and restraint and on quite a different basis, no radio editors being exploited.

NBC BOWS IN SID STROTZ

At press time yesterday (Tuesday) the NBC staff and the radio trade generally were gathered in the rooftop elbow solarium at Radio City to greet the incoming head of the program department, Sid Strotz. Strotz had previously called the staff together upon his arrival in New York last week and sought to assure them that there would be no drastic personnel changes.

It is likely that Strotz will need to make one or more trips back to Chicago to supervise the installation of the new NBC setup at that point. There are understood to be some difficulties needing smoothing. Meantime, by Nov. 1, it is expected that Strotz will be giving his full time to the program job. New York. John Royal has already stepped out of this berth to take up his duties as head of new activities (television, facsimile, shortwave, etc.) at the network.

The advent of Strotz to the New York office reestablishes one of the closest personal relationships in the web, that of Niles Trammell and Strotz. Trammell has expressed himself as being pleased when the combination is in double step.

Stations Cool To Columbia Records' Time-For-Discs Even-Stephen Deal

Columbia Phonograph Corp. is meeting with some opposition from stations. Its campaign to get the company's Masterwork platters plugged on the air by swapping the latter for free announcements. The recalcitrant stations contend that the circumstance that they are required to boost the quality of the product and even mention prices puts the proposition on the same commercial level as selling soap, food, or any other article from which a station collects a fee. Columbia Phonograph is, of course, a subsidiary of CBS.

Offer as submitted to stations entails supplying stations with enough Masterwork discs to provide for five

half-hour programs a week. For each half-hour's program there is a separate continuity. In each continuity there are at least two sales announcements, each running an average of 125 words. Added plugs are those deriving from the identification of the record's brand in the annotation material which introduces the playing of each Masterwork.

In turning down the for-free proposition stations have pointed out to the phonograph company that it ought to be satisfied with the frequent mentions of the label. These stations have also expressed their disagreement with the program's introductory billing which is to the effect that 'the Columbia Pho-

nograph Corp. presents the Masterwork Hour.' The counter argument is that the continuity should be so worded as to credit the station with doing the presenting.

This particular campaign is being handled for Columbia. Record by Frederick Arkus, of the radio division in the sales promotion department. Arkus' immediate superior is Pat Dolan, CPC's advertising manager.

Joe Schreilman, musical director of WDAS, Philly, has composed a new tune, '1400 on the Dial,' as a theme song to familiarize listeners with the station's new frequency when it changes next March.

BEST RADIO LEGAL TALENT SUBJECTS 'MONOPOLY' REPORT TO SHARP FIRE

**FCC's Other Four Members Feel Awkward About
Either Okaying or Forgetting Report of Three
Colleagues—More Briefs Due Dec. 2**

Washington, Oct. 22.
Another face-to-face encounter between the broadcasting industry and the government regulators thereof over the 'monopoly' situation finally has been scheduled.

Further extending the date of filing briefs, the FCC set Dec. 2 and 3, as the date for arguments when virtually all the previously investigated groups are expected to register stern complaints that the special FCC group was biased and that there is no basis for many of the conclusions about allegedly anti-social conditions in the business.

Some dissension in the trade continues—the suggestions in the report are not unanimously disliked by the numerous parties—but the oratorical tiff unquestionably will amount to a concerted denunciation of the long report.

(Latest date for filing written demurrers is Nov. 11. Previous deadlines were Oct. 15 and Oct. 25).

Arguments will be limited, the Commish stipulated 'to the issues of fact and policy' presented by the document. Within these boundaries, the trade mouthpieces will be able to challenge most of the conclusions of the Brown-Walker-Thompson team.

Principal attack presumably will be by the Columbia and National webs against the contention that the chains take off the cream and leave only a small amount of extremely thin milk for distribution among the independently-owned network affiliates. Hardly anything the committee's conclusions will escape challenge, but the issues regarded most seriously are rather few.

Attorneys' indignation is hottest over the idea that the Commish should exercise supervision over the web-affiliate contracts, with secondary concern involving the suggestion of special licenses for chains, possible divestiture of station properties now owned by the webs, and proposal to prohibit the networks from having any finger in the talent booking or recording businesses.

Not Children

The report was unveiled last June 18, months after the inquiry was launched with considerable fanfare. Since then it has been a political hot potato, with most Commish members inclined to forget it as long as possible. Rumpus stirred up by Senator Charles W. Tobey and CBS during the Thad Brown nomination hearings, made the regulators realize they are being attacked by experts. FCC members who did not serve on the investigating committee have shown signs of perplexity, fearing widespread damnation if they adopt the recommendations of their three colleagues and knowing there will be Congressional sniping if the matter is buried. Consequently, there have been recurrent whispers that the subject might be reopened for further taking of testimony on the most hotly-argued points.

In view of the extremely long time taken to reach the point of fixing the brief deadline, few industry people expect any definite results from the study for possibly another year. A stubborn conflict of philosophies is inevitable when the Commish gets around to weighing the recommendations against the industry's replies, while the withdrawal of Commissioner Brown will be another reason for delay. Assuming that President Roosevelt fills the vacancy in the near future, any newcomer who has not followed the controversy in his private capacity cannot be expected to pass judgment on the numerous knotty problems without taking considerable time to educate himself regarding past policies, industry economics, and related aspects of the question.

Brad Simpson to WKRC

Cincinnati, Oct. 22.

Brad Simpson takes over this week as WKRC program director. He was engaged last week by H. H. Taft, Jr., station manager, in St. Louis. Simpson was serving as radio director of the Ruthrauff & Ryan agency in that city. WKRC is a Mutual affiliate, owned by the Cincy Times-Star.

Network Premieres

Wednesday, Oct. 23.
United Air Lines, WOR-Mutual, Monday, Wednesday, Friday, 8:30-8:45 p. m. 'Boake Carter.' N. W. Ayer. Originates from New York. Hookup, 10 stations.

Sunday, Oct. 27
Lutheran Laymen's League, WOR-Mutual-Don Lee, 1:30-2 p. m. 'Lutheran Hour' with Dr. Walter A. Maier, Kelly, Stuhlman & Zahnrad. Originates from St. Louis. Hookup, 113 stations.

Quaker Oats Co., WEA-F-NBC, 5:30-6 p. m. Tentative title, 'Your Dream Has Come True.' Ruthrauff & Ryan. Originates from Chicago. Hookup, 38 stations.

JILL ESMOND'S DEBUT TO YANKEE RADIO

Jill Esmond, English legit and film actress, will play Emily Bronte, author-narrator, in 'Wuthering Heights,' second drama in the five-week Wheatena Playhouse series locally over WEA-F, New York. Stanza starts Nov. 4, after the conclusion of the current piece, 'Dark Victory.' It will be Miss Esmond's radio debut in the U. S., although she has appeared in a number of plays and pictures in this country.

Frances Oliver, whose name has just been changed from Frances Dworkin, will have the femme lead as Kathy. Arnold Moss will play Heathcliff and the rest of the cast will include Irene Hubbard, William Podmore, John Brewster, Sidney Lumet, Janice Gilbert, Ted Reed, Jackie Jordan and Ian Martin. Herbert Little and David Victor are scripting for Ed Wolf Associates, which is producing for the Comp-ton agency.

BREAK UP FRISCO FAIR

G. E. Dzer to Belmont—Divide RCA Television Equipment

San Francisco, Oct. 22.
KGEL, G. E. shortwaver on Treasure Island, will move transmitter to Belmont, about 15 miles south of Frisco, after first of year. Spot is home of KPO transmitter, NBC Red outlet. High-frequency job will maintain studios in S. F.

RCA's \$300,000 television exhibit is being split several ways, part of the equipment going to Hollywood and the rest back to Camden. Understood some of it will be used for a touring television demonstration unit.

Night Boost for WWJ

Detroit, Oct. 22.
Permission to use 5,000 watts nighttimes—the same as it has days—has been granted the Detroit News Station, WWJ, by the Federal Communications system. The station has been on 1,000 watts for the night sending. Use of the new power will start as soon as a new directional antenna has been erected to guarantee that WWJ does not interfere with other stations on the 920 band. The new antenna will be much taller than one in present use, extending 350 feet high and is expected to be in operation by late November. The station, first to broadcast regularly-scheduled programs of entertainment, recently celebrated its 20th birthday.

BLUE PACIFIC DISCOUNT VS. DON LEE?

Primarily with the object of meeting competition from the Don Lee Network NBC may introduce a special dollar volume discount for advertising using the Pacific blue stations as an intact unit. Details of the plan are currently being examined by NBC officials.

Under the present setup the only time that buyers of the Pacific blue are eligible for a dollar volume discount is when they use the west-coast link as part of a cross-country hookup. If the plan goes through it will be the first time that NBC regional advertisers have had available to them two sets of discounts, the other being the usual frequency discount.

Luther Hill, Craig Lawrence, Ted Enns and Ed Linehan are attending the first Annual Conference on Applied Radio at the State University of Iowa, at Iowa City, Oct. 18 and 19. Hill will conduct a panel on 'building a radio audience,' and Lawrence will be on the panel for 'education in radio.'

*announcing to the radio stations
of the United States of America*

the
1940

VARIETY

Plaques
for

SHOWMANAGEMENT

Policy for 1940

File Your Own Report with VARIETY in Your Own Words!

There is NO OFFICIAL QUESTIONNAIRE form this year. We have perhaps too much insisted in the past that stations answer according to OUR ideas of showmanagement; now stations may answer according to THEIR ideas and in their own Terms. They are free to cite the things they think important.

But a word of caution—station reports should be brief, to the point, realistic, factual.

Any radio station may file a report. All will be judged in their natural classification. Basic break-downs are:

- NETWORK AFFILIATED STATIONS.
- NETWORK-MANAGED STATIONS.
- UNAFFILIATED STATIONS.
- NEW STATIONS (less than two years old).

Deadline For Reply: November 2nd

AERA HITS TALENT AGENTS

From the Production Centres

IN NEW YORK CITY

Helen Walpole writing a legit play... Beverly Bayne, former actress of silent films, radio debuted last week in cast of 'Aunt Jenny's Real Life Stories'... Linton Wells making lecture tour... London office of CBS, recently bombed, now located at 11 Portland place... Mary Lee Taylor starting eighth year broadcasting home economics for Pet Milk Sales... Boake Carter starts three-a-week series over Mutual tonight (Wednesday) for United Air Lines... Leopold Stokowski, Raymond Gram Swing, Clifton Fadiman and Bob Trout will also be on the Red Cross program Nov. 10 with Katharine Cornell... Jack Negley, WINS announcer, read the sound track for a short film on safety last week.

John Gibbs, Chicago program packager, tossed cocktail party Monday at Dorset to introduce himself and tell radio press about 'Against The Storm' and 'Joie Journey', two P. & G. shows which now originate here... Walter G. Preston of NBC summoned for jury duty... Aaron Steiner, new program peddler for World transcriptions, showcased his 'Murder Will Out' idea on WOR last week... 'Sweatshirt Archie' wires in from the Coast that his head is bloody but unbowed... George Denny of Town Hall launched radio course with Chairman H. James Fay of FCC... Dinner party beforehand included Niles Trammell, John Royal, Manton Davis, Ted Granik, Lyman Bryson.

Gone literary: A. A. Schecter, NBC, with Ed Anthony, is working on book 'I Live On Air'... Matthew Gordon, CBS news editor, doing a book 'News is a Weapon'... Bob Trout, CBS reporter, writing 'Behind the Mike'... Joseph Q. Rianik, CBS news editor, working on book entitled 'And That's the News'... Edd Johnson, CBS shortwave foreign news editor, doing a volume on short-wave propaganda.

IN HOLLYWOOD

NBC's production staff is so shot through with absences that Headman John Swallow has had to pitch in with his stop watch. Marvin Young is doing a hitch in the Army, Ted Sherdman has been granted leave to let off steam on that novel yet, and Joe Parker is mending from an appendix snafu. Bob Stephenson, is doing most of the subbing, end-on-end... Bob Hope will air his Pepsodent show from Frisco Oct. 28, while personalizing there at the auto show... It's old home week for Charlie Bulotti, here to launch Tommy Dorsey's program for Lewis-Howe's NR tablets. He was producer-announcer at KJH for many years and more recently did a hitch at the Frisco fair under Bob Colson... Lux will 'Strike Up the Band' Oct. 28 with Mickey Rooney and Judy Garland leading the way... The reason Don Wilson soft-pedalled the chatter with Dick Powell on last week's Maxwell House program is that the portly baker's contract with Jack Benny permits him outside announcing jobs but he no can stooge or help kick the gags around... Carroll Carroll, who has been writing those 'wordy' scripts for Bing Crosby and fellow Krafters, has found time to dash off the lyrics of 'You Are the One', which Kay Kyser recorded last week... Benay Venuta to Nashville, Tenn. with her husband, Armand Deutsch, for the hitching ceremonies of his brother. She continues on to New York for a guest spot with Raymond Paige and he sits back to his production duties on the Rudy Vallee Sealster... That infant yowling on last Monday's Lux broadcast of 'Lillian Russell' was the recorded wail of Sandy Barnett's newborn. He is director of the soap... Art Rush is waxing a radio version of 'Red Ryder', cartoon strip and film serial. Bob Redd scripting and produces... Homer Canfield, quadrum radio, ed for a string of southern California papers, now writing and planting plugeeros for a private press agent... Dick Porter on the hop, what with three Lewis-Howe shows kicking off from here... Julia Sanderson and Frank Crumit here for the next weeks with their 'Battle of the Sexes'. Film players will be pressed into service as captains... Hal Boek, NBC press chief on the Coast, has turned down those fat film offers and stays with the network.

IN SAN FRANCISCO

KPO-KGO staff will move into Chronicle newrooms Nov. 5 for continuous election broadcast starting at 8:30 p.m. orchestra and entertainers will fill in gaps between returns, show being set up for minimum of four hours... will mark second year NBC and the Chronicle stage an Election Night Party... stationing big break last week on opera broadcasts, Chronicle feature page carrying 3-col. box explaining how operas are aired... Patricia Lynn, NBC singer-accompanist, is a click in the Circus Room of the Fairmount... Ernie Smith, dean of Western sportscasters, has never missed a broadcast in 10 years... currently is doing an average of 11 programs a week, many running over two hours... KFRC now staging four audience shows weekly, 'Whodunnit?' for Roos Bros. clothiers, 'Brain Bait' for Hastings Clothiers, 'Quiz of Two Cities' for Nomena and Dean Maddox's amateur hour for Marin-Dell dairies... Milt Samuels, NBC praiser, back from long-delayed vacation.

IN CHICAGO

Irna Phillips, who has transferred to New York, back here for some biz confabs... Austin Wilder back from New York where he set up eastern offices of WGN Concerts... Catherine McKune doubling from 'Scattergood Baines' to 'Right to Happiness' script strip... William Murphy, NBC continuity chief, will scribble the 'New Orleans Cameos' shows for Illinois Central... Hal Bohm back on the WGN spiker gang, and Bill Buchanan added to the news department... Judith Lowry, new member of 'Guiding Light' cast and Russell Thorson added to 'Kitty Keene' show.

Ted Weems orchestra will originate the 'Beat the Band' show on Nov. 3 and 10 in Memphis due to southern dance date... Karl Weber, Arthur Kohl, Harry Candale, Cornelius Peeples added to cast of 'Tom Mix Straight Shooters', Robert Karl added to 'Thunder Over Paradise' and Edith Davis to 'Story of Bud Barton'... Norman Ross doubling to WLS and will handle some of the mike assignments on the Barn Dance show.

ORGANIZE TEXAS RADIO COLLEGES

Fort Worth, Oct. 22. Representatives from 12 leading colleges and universities throughout the state met here to organize the Texas Inter-Collegiate Broadcasters Council, to be sponsored by the Texas State Network. It will soon launch an extensive adult educational program over the TSN web.

At the conference, Forrest W. Clough, TSN educational director, was named president and co-ordinating chairman. Among the vice-chairmen named were Sara Lowery, department of speech, Baylor University; Dr. S. D. Myres, director, Arnold School of Government, Southern Methodist University and Dr. A. L. Boeck, evening college director of Texas Christian University.

San Antonio—Gordon Rainey is new transmitter operator at station KJSA here.

COOL TO THEIR CODE ATTITUDE

Following Signaturing of New Three-Year Contract Network Artists Bureaus Apply for Licenses—Dis-tasteful to Morris, Lyons & Lyons, MCA, et al.

AGENTS HELPLESS?

As expected, the talent agencies are fighting the new American Federation of Radio Artists regulating and franchise requirements. Union has set Nov. 5 as the deadline for all agents to apply for franchise and Nov. 15 as the issuance date for licenses. NBC CBS and Mutual artist bureaus have already applied, as agreed in their new sustaining-commercial contract. But the outside agents, who were not consulted in advance as to terms or rules, are refusing to go along.

Artists Representatives Assn. committee, consisting of William Morris, Jr., Charles Miller, Sam Lyons, Herman Bernie, Tommy Rockwell and L. Robert Broder, is seeking a meeting with AFRA representatives on the question, but so far without success. Several committee members have talked by phone with Henry Jaffe, AFRA attorney, but no meeting has been scheduled. Meanwhile, the committee has advised its members not to apply for AFRA franchise until further notice.

Although the agents are opposing several different phases of the proposed AFRA regulations, they are particularly burned over two clauses. One would forbid commissions on minimum contracts, while the other would outlaw commissions on deals setting talent on package shows on which the agent set up the show. Virtually all the leading talent agencies, such as Morris General Amusements Corp., Music Corp. of America, etc. have package programs into which they place

(Continued on page 30)

No Sharing Of Winchell For Campbell

Bob Beucus, general ad manager for Jergens, turned down a loanout deal proposed by F. Ward Wheelock for Walter Winchell, reportedly at twice the columnist's \$5,000 weekly stipend from Jergens. Wheelock wanted him to head up a 30-minute variety program, on behalf of Campbell's Soup. Program was to be something on the order of Winchell's old Lucky Strike show, but with a 1940 topical slant, and only for 39 weeks.

Jergens has Winchell on a straight five-year contract exclusively. Campbell Soup had not up to press time yesterday (Tuesday) decided on the program that is to go into the Friday night (9:30-10) spot it has contracted for on CBS. Tentative starting date was this Friday (25) but it is understood that the show which is selected will be given three weeks for preparation.

F. Ward Wheelock, agency on the account, is reported as strongly inclined as ever to get a program which can originate from New York, even though it has had a tough time lining up requisite name talent in the East. Reason for this anxiety is associated with the headaches the agency suffered when it had Orson Welles broadcasting for it out of Hollywood. Welles had a habit of calling up two days before the broadcast to read his script over long distance.

Benton & Bowles, One of Largest Radio Departments, Cut by Colgate Exit

Much of Controversial Herald Tribune Forum Broadcast by NBC Blue

During this week (Tuesday-Thursday inclusive) the annual New York Herald Tribune forum on controversial issues of the day is being held at the Waldorf-Astoria hotel. Many of the events will be broadcast over the NBC blue network and some of them will be made possible through the overseas communications facilities of RCA. The following is the schedule of one of the unique events in the democracy, a forum held by a conservative newspaper in which the most eloquent spokesmen of the contrary viewpoint are heard:

First Session—Tuesday, 2-5

THE STATE OF AMERICAN PRE-War. Welcome to the Delegates—Mrs. Ogden Reid, Vice-President of the New York Herald Tribune.

Keynote Speech—Walter Lippmann.

The Packing of Preparedness—Mrs. Franklin D. Roosevelt.

Universal Service—America—Colonel William Donovan.

Woman's Part in Defense Plans—Miss Harriet Elliott.

Unpreparedness—The Individual—Mrs. Clara Booth Luce.

Progress of American Rearmament—Cy Caldwell; Robert F. Patterson, Under Secretary of War; Frank Knox.

Mobilizing the Mind—Dr. Alan Valentine.

Second Session—Tuesday, 8:30-10

SCIENCE AND INDUSTRY MOBILIZED. Information Please.

Keynote Speech—Dr. Harlow Shapley.

Message from British Red Cross—Miss Bertha Rathbone, Captain of Westminster Team.

Aviation—Winthrop Rockefeller, Aviation Training for the Young; Lieutenant Commander D. W. Tomlinson, 'Stratosphere Flying'.

Raw Materials—William L. Batt.

Congress—Dr. Harold G. Urey.

Third Session—Thursday, 2-5:30

ENLISTING THE CREATIVE ARTS. Keynote Speech—Archibald MacLeish.

Co-ordinating Culture in the Americas—Nelson Rockefeller.

Europe—Literature—Somerset Maugham; Eve Curie from England.

America—Music—Two songs by Dorothy Maynor.

Art—Francis Taylor, Metropolitan Museum of Art.

Literature—Carl Sandburg.

Screen—Robert Montgomery.

Drama—Alfred Lunt and Lynn Fontanne.

Robert Sherwood.

Closing—Irving Berlin, 'God Bless America'.

Fourth Session—Thursday, 8:30-10

THE POLITICAL FRONT.

Keynote Speech—Mayor J. P. H. LaGuardia.

Young Foreign Born First Voter.

The Third Term Issue.

Young Republican—Owen Roof, Jr.

Young Democrat—Gael Sullivan.

The Woman Voter.

Democrat—Mrs. Charles Foletti.

Republican—Mrs. Robert Taft.

Business Efficiency.

Republican—Leon Henderson.

The Candidates—Wendell Wilkie.

Fifth Session—Thursday, 2-5:30

SAVING DEMOCRACY IN THE WESTERN WORLD.

Keynote Speech—Robert Thompson.

British Pacific Front.

Captain Angus Macdonald, Minister of the Navy.

Australia—Richard Casey.

American—Richard Casey.

Alaska—Anthony J. Dimond.

South American Front.

Joseph Barnes, 'Aftermath of the Havana Conference'.

Warnings from Old World Democracies—Ambassador William Bullitt.

Saving Democracy in China—Dr. Hu Shih.

The Forum—Mrs. William Brown Motony.

Editorial—This Week's Foreign and Domestic Situation.

Organizer of the New York Herald Tribune Forum on Current Problems.

The President of the United States.

Members of the professional company of the Dayton Civic Theatre will appear on the broadcasts.

Members of the professional company of the Dayton Civic Theatre will appear on the broadcasts.

Ted Bates, Benton & Bowles account exec, who last week became heir to the Colgate and Continental Baking accounts, will remain with the B & B agency until he has been able to get up his own agency. With the shift causing a loss to B & B of seven radio programs, the Benton & Bowles production staff will probably be sheared to a third its present size, rated, next to Young & Rubicam, as the biggest in the business.

B & B's time-buying staff has already been cut down to one person, George Kern. Jack Latham, who came in a couple months ago, manager of the radio department, is negotiating for an executive post with another agency. Also affected by B & B's personnel reshuffle is John Crandall, who did field work on the spot phase of the agency's business.

Local Talent Strengthened at WGR-WKBW, Buffalo; 3 From New York City

Buffalo, Oct. 22. Buffalo Broadcasting Corp. is filling talent ranks for presumably boomish winter season on its stations, WGR and WKBW. Newly-added are Roger Coleman, singer, and Billy Keaton, em-cee, both from New York.

Joining staff soon is Phyllis Jean, from CBS Gotham studios. Company also is dickering for trio now in Midwest to round out a singing staff depleted by loss of Thelma Treva and Vera Holly, hired away by WBBN.

New local voices on WGR-WKBW include singers Lillian Kaye and Fran Hines. New face among spikers is Herb LaSalle.

Please Rush Milton Cross, Station Opens Tomorrow

Akron, O., Oct. 22. Akron's new WAKR, basic NBC local network station, was formally launched here Wednesday night (16) on 36 hours' notice after Bernard Berk's three years' effort to give the city its third radio station.

The new station, which did not know when the FCC's formal 'go' signal would be given, received word Tuesday morning that it could start Wednesday night. Milton Cross, NBC vet announcer, was called in to launch the dedication program and after the formal dedication ceremonies the station, operating on 1,000 watts, unlimited time, at 1530 kilocycles, plunged into an evening of Wilkie, Dewey, McNutt and defense forum programs.

Berk is president of the company, his wife secretary and Kenneth Cross, son, is general manager. Deane Long is production manager and a chief announcer; John Vorpe is production manager, Jerry McKiernan continuity writer and announcer; Gordon Smith, Carl Kent and Stanley Peyton announcers; Marguerite Seltan traffic manager; and Don Dayton chief engineer. The personnel of the station includes 24 men and women.

The station is on the air weekdays from 6:45 a.m. to 1 a.m. and from 8 a.m. to midnight on Sunday. About half the station's program is now Blue network productions. The station will be more formally dedicated early in November.

WLW'S LANCASTER REMOTE

Cincinnati, Oct. 22. WLW, which holds the national membership in the Ohio Newspaper Women's Association, did a special quarter-hour broadcast from the organization's convention Saturday (19) in Lancaster. Peter Grant interviewed some of the members who shared in cash awards, totaling \$1,000, for turning in the best stories, from obits to features, during the year.

Herbert Flaig of WLW's special events department was in charge of the airing.

Germany's No News Rule May Cue Eventual Exit of Yankee Radio

Germany's decision announced yesterday (Tuesday) that no radio broadcasts may originate out of Berlin between four and 11 p.m. is not fully understood in the United States. It may not prohibit broadcasts after four to foreign lands if confined to news officially released prior to four p.m.

American radio opinion is that this is a first step toward what may amount to an eventual exclusion of American network representation in the Reich. It may also reflect Nazi aversion to having foreign observers around now that Berlin is getting a little touch of its own bombing methods.

VARIETY carried a story Sept. 25 that there was a possibility of the American webs getting out of Berlin because their reps had almost no liberty of action whatever in contrast to London where a much more liberal policy obtains.

MEXICAN STATIONS FACE TIE-UP BY ELECTRICIANS

Mexico City, Oct. 22.

Radio and all branches of the amusement biz that must have electricity will be dealt their worst operating jolt unless the federal government succeeds in settling by Oct. 23 the electrical workers' strike in Monterrey, vital northern industrial center. Electrical workers' federation has ordered its 72 sections, 68 of electrical workers, four of radio employees, to stage a series of sympathetic strikes starting Oct. 23 if the Monterrey strike isn't ended.

Monterrey strikers are demanding higher pay and a raft of economic concessions which the company avers it cannot meet. Business organizations in urging the government to

RADIO-FILM MEETING

L. P. Yandell of NBC Calls Hollywood Firms In

Shortwave programs to Latin-Americas will be the main topic at a meeting called by L. P. Yandell, NBC's shortwave head, for tomorrow (Thursday). Yandell has invited foreign chiefs of all major companies to meet with him and clarify the atmosphere on the Latin-American shortwave situation as it concerns the film companies.

Proposal of NBC for the major distributors to buy time for shortwave broadcasts to Latin-American nations has been an off-and-on proposition for a month or more, first Yandell claiming a majority of film companies were set to go ahead and then foreign executives flatly denying an agreement. Definite show-down expected tomorrow.

end the Monterrey trouble, which has shut 300 industrial plants, call the strike unjustified as they say the Monterreyers enjoy the most advantageous labor contracts.

This strike has put a big crimp in show and radio biz in Monterrey.

Anzac Discs in U.S.A.

Boston, Oct. 22.

The Enemy Within, series of quarter-hour transcribed programs exposing fifth column activities in Australia, which have been peddled about the industry by Kasper-Gordon, Inc. have been booked in at KFWB, Hollywood, and WKBN, Youngstown, Ohio.

Produced in Australia, the script was passed by the Board of Radio Censors there for presentation in the U. S. 117 of the total 208 quarter-hour episodes are on hand and several other buyers are ready to sign.

KXOK Man to England

St. Louis, Oct. 22.

Alex Buchan, sportscaster at KXOK, who is a British subject, departed for England; where he will join the Royal Air Force. Subject to military services, Buchan beat the gun by departing for home before being summoned to the colors. Buchan, 23, was born in Tilloch, Scotland. He came to the U. S. in 1924 and began his radio career at WTMV in East St. Louis, later joining WEW here. He has been with WXOK for about two years.

69 U.S. Stations Longwaving 'Britain Speaks'

Some 69 radio stations in the United States re-broadcast on long-wave the shortwave 'Brit'n Speaks' program which comes overseas every night at 8:30 o'clock (eastern time) from the BBC in England. This delayed transmission from off-the-air recordings supplements the growing Yankee audience for the DX programs in which J. B. Priestley, Leslie Howard, David Bowes-Lyon, Vernon Bartlett, Sir Phillip Joubert and Noel Baker are heard. American stations pick the shows up by special permission of BBC (enthusiastically given, needless to say) on the 23 and the 31-meter bands.

Stations carrying the BBC commentaries are:

CALIFORNIA
KMPC, Beverly Hills (CBS)
KMTB, Hollywood
KPAC, Los Angeles
FLORIDA
WFTL, Fort Lauderdale
WFTM, Fort Myers
WIOD, Miami (NBC)
WKAT, Miami Beach
WTAL, Tallahassee
WING, West Palm Beach (CBS)
GEORGIA
WATL, Atlanta (MBS)
WMLA, Moultrie
WSAV, Savannah
WYAZ, Waycross
ILLINOIS
WDWS, Champaign
WIND, Chicago
WJID, Chicago
WIZ, Tuscola
KENTUCKY
WLBJ, Bowling Green
WHOP, Hopkinsville
WHAS, Louisville
WPAD, Paducah
MARYLAND
WTBO, Cumberland
LOUISIANA
WNOJ, New Orleans (NBC)
KWCH, Shreveport (CBS)
MAINE
WABI, Bangor (CBS)
MASSACHUSETTS
WLAJ, Lawrence
WESX, Salem
WTAJ, Worcester
MISSISSIPPI
WIPR, Greenville
WGRM, Greenwood
WGCM, Gulfport
WRIJ, Jackson
WSCR, Meridian
NEW JERSEY
WTNJ, Trenton
WOR, Newark
NEW MEXICO
KLAH, El Paso
NEW YORK
WQXR, New York City
WLTH, New York City
NORTH CAROLINA
WTOG, Greensboro (CBS)
WSJS, Winston-Salem (NBC)
OHIO
WICA, Ashland
WJW, Akron
OKLAHOMA
KOZY, Oklahoma City
KRRG, Okmulgee
OHIO
KLRM, LaGrange
PENNSYLVANIA
WKST, New Castle
WEST, Easton (MBS)
WHIC, Sharon
SOUTH CAROLINA
WCRS, Columbia
WMRO, Greenville
WFIG, Sumter
SOUTH DAKOTA
KWAT, Watertown
TEXAS
KRIC, Beaumont
KQPI, Brownsville
KJUP, Galveston (MBS)
KOGA, Kilgore
KPAR, Jarro
KFRO, Lufkin
KFDN, Pampa
KUTM, Pecos
KPAC, Port Arthur (MBS)
KGRB, Tyler (MBS)
UTAH
KFRB, Price
KGOV, Provo
VERMONT
WQDM, St. Albans
VIRGINIA
WLVA, Lynchburg
WEST VIRGINIA
WJLS, Beckley
WPTH, Williamson
HAWAII
KHBC, Hilo (MBS, CBS)

DON'T GUESS —LOOK IT UP!

In radio stations, advertising agencies, industrial promotional offices and artists' management bureaus thousands of important trade queries are answered daily by ONE reliable and dependable source.

This standard book of reference on broadcasting is—

FOURTH ANNUAL VARIETY RADIO DIRECTORY 1940-41

VARIETY RADIO DIRECTORY

154 West 46th Street, New York

Please send.....copies of VARIETY RADIO DIRECTORY
(\$5 per copy; \$5.10 per copy in New York City).

☐ Check Enclosed

☐ Send Invoice

Name.....

Address.....

City.....State.....

Firm.....

ON SALE \$5.00

— AT —

NEW YORK
154 West 46th St.

CHICAGO
54 West Randolph

HOLLYWOOD
1708 North Vine St.

R. A. RENDALL OF BBC IN N. Y.

R. A. Rendall, director of empire services for the British Broadcasting Corp., is due in New York some time this week. After a stay in New York he will proceed to Canada. Greatly expanded overseas short-wave activities of BBC, on which 'Britain Speaks' (nightly at 8:30 EST on 25, 31 meters), has brought Rendall across the ocean at this time to check on results and gain first-hand knowledge of program problems from the British point of view and the American mentality.

Val Gielgud, drama-director for BBC, presenting a week of revivals. Plays meeting with listener request not are 'Cavalcade,' 'Aaron's Field,' 'Crime Wave at Blandings,' 'What Every Woman Knows' and Chekhov's 'The Proposal.'

MAY EASE MEX MUST-NOTS

All Shortwavers in U. S. Must Keep Discs of Broadcasts, Also Translations

Washington, Oct. 22. Proposed tightening of the international rules that aroused fear of a move in the direction of censorship was scrapped last week when the Federal Communications Commission adopted new regulations affecting foreign-language transmitters. All DX plants firing programs at listeners beyond the United States borders—regardless of the tongue used by microphone performers—must keep recordings for inspection in case there is suspicion that coded messages or inflammatory propaganda were beamed abroad.

The Commish dropped the idea of requiring all stations to get an advance script that could not be departed from or altered in any respect after receiving an okay by the licensee. Such a rule, originally suggested to the short-wave proprietors by a committee of FCC departmental executives, was junked largely because of the 1939 flareback when the Commish attempted to specify that such plants must further 'good-will' and reflect American 'culture.' (Latter idea was opposed not because licensees were unwilling to try and build programs of such character but because of impossibility of defining the terms with sufficient certainty).

New and more practical rules make it necessary for every DX-er to keep for at least two years 'ver-

batim mechanical records of all international programs transmitted. Both the platters and any manuscripts, translations, or written transcripts must be open for inspection or turned over to the Commish on demand. Translations must be made of any material aired in a tongue other than English.

Censorship potentialities were in the back of the industry negotiators' minds, but this principle did not figure importantly in the recent discussions. Some objections were raised from within the Commish, however, with remarks that the regulators already have been kicked around enough by columnists, editorial writers, and other free-speech champions. The industry's chief complaint was that the rule prohibiting any deviation would complicate the job of programming. The difficulty or impossibility of getting advance translations, particularly in connection with news broadcasts and current events features, was noted. Any such requirement would strait-jacket the announcers and commentators, licensees' representatives emphasized.

The Commish recognized that circumstances might occur where some deviation from an approved-in-advance script would be inevitable. Such as late developments which would render a news item senseless or misleading. Or conditions where for time reasons part of a scheduled program would have to be blue-penciled suddenly or where ad libbing might be desirable to stretch some feature.

RADIO NOW CAN'T MENTION POLITICS

Proposed Law Would Grant Radio Stations Same Rights as Newspapers—Workers Have Been Powerful Force—Strike News Strictly Forbidden Herebefore

MAY PASS SOON

By DOUGLAS GRAHAME

Mexico City, Oct. 22. Radio will enjoy the same freedom of expression does the Mexican press, which is considerable, if Congress passes the bill presented by Congressman A. Orlaineta, one of the few independent solons. Orlaineta holds that now is the time for broadcasters to have freedom, so that the people may learn as much from the air as they do from the public prints. He calls 'reactionary and not in accordance with the new trend of things in Mexico and democracy' various restrictions which he avers hamper radio broadcasts.

Taboos on radio stations forbid, under heavy penalties, even slight mention of politics, religious matters and even social notes. Some of these bans are exercised by the federal government, others by the powerful Confederation of Mexican Workers. The Confederation nixes all airing of

Air Raids Shift Listening Peak, 6:30-8:30 Now Biggest for BBC

BBC STICKS TO RULES

No Actors Orphanage Benefit—Charity Not 'Listed'

London, Oct. 8. Met with a neat well-mannered BBC brush-off, Leslie Henson, legit comedian, released news to the press of a BBC turndown to his offer to provide an all-star Sunday show over the ether. Snag apparently was in Henson's wish to tie in an appeal for Actors Orphanage. Latter is in need of funds rising out of inability to stage annual Garden Party, hitherto a high coin-getter for thespians' institution. Financing is also needed for evacuation of 60 children to British colony in Hollywood.

BBC angle is due to ban on all charity pleas not listed with its Advisory Committee. Actors' Orphanage is not among those drawing official nod.

labor troubles and any remarks, even good-natured ones, about the workingman.

But some of the Confederation's bans are beneficial. It is the avid foe of Nazism and Fascism. Any station that would attempt propagandizing these doctrines would be closed on the spot. The freedom of the air, of course, will not include lifting this worthy ban of the Confederation.

Congress is expected to pass this law before the end of President Lázaro Cárdenas' term on Nov. 30.

London, Oct. 8. With air-raid sirens doing their wailing nightly the British Broadcasting Co. finds listening peak now around 6:30 p.m.-8:30 p.m. This period will in future be filled with the better talent stuff. C. B. Cochran's top-budget show folds next week under this arrangement. Ben Lyon-Bebe Daniels hour, consistent puller with Sunday nite listeners, goes back to 8:15 p.m. from 9 p.m., and may be skedded for earlier airing as wintertime closes in.

Jack Warner, surprise radio click, starts a new BBC series at 6:15 p.m. for Saturdays (19).

McGillvra Repping 2 Mex Stations In N. Y.

During his recent sojourn in New York, Emilio Azcarraga, chief stockholder of XEW and XEQ in Mexico City, designated Josephy Hershey McGillvra as his American sales representative.

XEW, 100,000 watts, XEQ 50,000 watts.

Mutual's 156th Station

Two more stations joined the Mutual network during the last week. They were KYAN, Cheyenne, and WELL, New Haven. Brings total affiliates to 156.

WBBM
CHICAGO
50,000 WATTS
CBS

WBBM's local and national spot renewal ratio is consistently higher than 80% . . . because WBBM gives top results in the nation's second largest market



For more information about WBBM, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales: New York, Detroit, St. Louis, Charlotte, N.C., San Francisco, Los Angeles

MIDWESTERN KEY STATION OF THE COLUMBIA BROADCASTING SYSTEM

WHO IS

**Pennsylvania BANS
this picture. Says it "has
a tendency to corrupt
and debase morals."
Says Pennsylvania
cannot play it!**

**BOOK IT WHILE IT'S
"WORLD I**

A PARAMOUNT PICTURE



RIGHT?

WENDELL L. WILLKIE

Republican Candidate for President

FRANK KNOX

Secretary of Navy

HENRY L. STIMSON

Secretary of War

HON. SAM RAYBURN

Speaker of House of Representatives

SEN. ALBEN BARKLEY

Majority Leader of the Senate

WILLIAM ALLEN WHITE

Noted Editor

RAYMOND GRAM SWING

Famous Commentator

WYTHE WILLIAMS

Famous Radio Commentator

ELMER DAVIS

C. B. S. Star News Reporter

EDWIN C. HILL

Famous Radio Commentator

**SAY
EVERY
AMERICAN
SHOULD
SEE IT!**

**FRONT PAGE NEWS!
IN FLAMES"**

Produced by ALBERT J. RICHARD • Written and Documented by William C. Park

AFRA Code Hits Talent Agents

Continued from page 25

their own talent, so application of the proposed AFRA rule would seriously cut their income.

AFRA is showing no inclination to compromise on any of its proposed regulations, or even to discuss the question with the agents. With a new three-year Guild-shop contract with all networks, advertising agencies and producers, the union is figured as being in a secure position, so there doesn't appear to be much the agents' group can do about it. AFRA can at any time notify the networks and sponsors that any agents are on its 'unfair' list, thereby effectively blacklisting them, since the commercial-sustaining code permits the use of talent through 'fair' agents only. What's more, if AFRA were to place any agency on the 'unfair' list, the affiliate unions, Screen Actors Guild, Equity, American Guild of Musical Artists and American Guild of Variety Artists, would automatically prohibit their members from dealing with any such agency.

In a memorandum to the membership, which it was careful to state was 'definitive' information only (thereby safeguarding against use of the communication as an 'interpretation' in arbitration hearings at some future time by employers, agents) AFRA listed a 21-point digest of its proposed agency code. Main points were as follows:

1. Beginning Nov. 15, members may deal with licensed agents only.
2. Agents may not charge commissions on minimum contracts, nor commissions that would reduce an artist's fee below the minimum.
3. Commission of not more than 10% may be charged on above-minimum contracts, provided such commission does not lower the amount below minimum.
4. Agents may not lump minimum engagements and charge a commission on the total fee. Commissions must be computed on each separate engagement.
5. For announcers and singers only: Where the artist receives a guarantee management contract, the agent may, with the artist's consent, charge an additional 5% commission provided (a) the agent may not terminate the guarantee provision of the deal except upon at least six weeks' notice. (b) the agent guarantees the artist an average of \$10 a week from any branch of the entertainment field, but not on minimum contracts or staff salaries, and only on amounts over minimum fees.
6. In the case of singers only, an additional 5% may be charged by the agent, with the artist's consent, if the agent assumes the cost of normal promotional expense and special services such as coaching, obtaining arrangements and scores, etc., provided any such deal is approved by AFRA in writing.
7. No AFRA member may pay more than one commission (and never more than the amount permitted in these regulations), and if he has agreed to pay commissions to two agents, the Arbitration Tribunal will de-

cide which agent or agents receive or divide the commission.

8. Members of AFRA contracting with more than one agent without having the right to do so may be adjudged guilty of conduct unbecoming a member and be subject to discipline.

9. AFRA members may sign contracts with agents only on standard contract form.

10. Regulations are for minimums only; members may always obtain conditions more favorable than those provided in regulations.

11. AFRA members need not use an agent, but may deal direct with employers, however, any agent they do use must hold an AFRA franchise.

12. Agents may sign AFRA members to exclusive contracts for not more than three years. An additional two-year agreement may be signed, but is not binding on the artist unless at the end of the three-year period, the agent shall have contributed substantially in furthering the artist's career.

13. Artist may terminate agency contract if the agent fails to secure at least 15 days employment for the artist in any 90-day period.

14. No agency contract may be renewed or extended except during the last four months of its term.

15. All existing contracts between AFRA members and agents are subject to these regulations and must be modified accordingly, except that any terms more favorable to the artist will continue in force.

16. Agents may not transfer contracts to other agents without consent of the artist in writing.

17. No person who directly or indirectly occupies the position of employer toward any AFRA member may collect commissions nor engagements where the employer condition exists. For example, where the agent produces a package show and sells it at a profit, he is not entitled to a commission.

18. Agents or their affiliates may not employ an artist at one figure and resell him at a higher figure, keeping the difference, except where the agent, as an employer, sells a package show at a profit on the whole deal, in which case he is entitled to no commission.

19. Arbitration of disputes between artists and agents that cannot be settled amicably.

20. Artists may not waive any of their regulations, nor may agents ask for such waivers.

21. Agents must secure a franchise from AFRA and are bound by all these regulations. Some of the agent's obligations to the artist are as follows: (a) To use all reasonable efforts to assist in procuring employment; (b) at the artist's request, advise him on professional matters; (c) be truthful in statements to the artist; (d) make no engagements or commitments for the artist without informing the artist; (e) agent's relationship with the artist shall be that of a fiduciary and, when instructed in writing by the artist not to give information about the artist's affairs, shall not do so; (f) agent shall be equipped to represent the artist fully and intelligently, and that he so represent the artist; (g) agent agrees to maintain office and telephone, open during all reasonable hours, with representative of the agent present and available at office during business hours; (h) at artist's written request not more than once every four weeks, agent shall supply artist with information in writing as to what efforts he has rendered on artist's behalf within reasonable preceding time.

Don Lee network, Mutual's Coast affiliate, signed the AFRA commercial-sustaining agreement over the weekend. That brings every major network station in the country under the agreement, covering all staff

and sustaining artists at such outlets. With such a sweeping agreement in force for the next three years, AFRA may now give its entire attention to obtaining contracts for transcriptions. That is expected to be fairly soon, after which the union will probably go after the small stations in the key cities and ultimately organize the staff artists in the smaller cities.

Under the new commercial-sustaining code the networks agree not to service any station on AFRA's unfair list. That should provide a potent weapon in the union's drive to obtain contracts from subsidiary network stations. Pointed out that if AFRA calls a strike against any network outlet that refuses to grant a contract, the network will be barred by the new agreement from piping any programs (commercial or sustaining) to such a station.

TOWN HALL'S COURSE FOR RADIO DIRECTORS

New York's Town Hall has included this season in its "Short Courses for Busy People," 15 weekly sessions on "American Radio and How to Use It." Opener was held last Thursday (17) with James Lawrence Fly, chairman of the FCC, talking "Radio—America Today."

Course, which includes lectures, panels, demonstrations, and discussion periods, is billed as "intended for teachers, program makers and radio chairmen of institutions and organizations and those who are interested in working in the field of radio education." Chairman of the course is Arthur E. Bestor, prez of the Chautauque Institution.

Among the speakers are Julius F. Seebach, program director of WOR, on "Program Making for American Radio"; John Studebaker, U. S. commissioner of education, "Radio in Public Schools"; Sterling Fisher of CBS, on "Broadcasts for Classroom Use"; Mme. Olga Samaroff Stokowski on "Future Potentialities of Music Education by Radio"; George Denny, moderator of "Town Meeting of the Air," on "Listening-Discussion Group Participation"; and James R. Angell, NBC educational counselor, on "The Future of Educational Broadcasting." Finale is a studio visit to Radio City.

Bicarbonate for Brooklyn Chop Suey

Eight-Year Squabble of the Tenants on 1440 Kc. Seems Ended

The celebrated Brooklyn chop suey situation involving WLTH, WARD and WBBC was given a dose of bicarbonate when the Federal Communications Commission granted renewals of license for the first two transmitters and, turned down the plea of WBBC to operate during hours used by WARD and WLTH. Providing another chapter in the long and tempestuous story the FCC declared that service provided by the three stations could not be deemed 'highly meritorious.' Strongly advised a merger which would place the three competing stations under one management. — With WVEF (now operating separately) included.

Headachy progress of the Brooklyn transmitters over a period of nearly a decade was traced in the 18-page decision. During all this time the stations have been rowing and bickering over the use of the 1400 kc frequency—each one demanding at one time or another a larger slice of the frequency, if not conclusive rights.

Considerable fussing has been done over foreign broadcast policies of the Brooklyn stations, which devote a large percentage of their time to Yiddish programs, plus English, Polish, Italian and some German. Commish particularly has frowned upon the habit of permitting foreign-language broadcasts in cases where the station management has required the submission of a purported 'English translation' of the program, taking on faith the assurances of the announcer that the translation is faithfully followed in the language in which it is actually presented. The stations also have been dog-housed for permitting the advertising of various proprietary medicines which the FCC and the Federal Trade Commission do not approve.

Long History

Backing and filling first began in 1932, when WLTH, Voice of Brooklyn, WARD, United States Broadcasting Corp., WBBC, Brooklyn Broadcasting Corp., and WVEF, Paramount Broadcasting Co., began their row for increases in operating time which, if granted, would have cut one of the quarrelsome foursome off the air. During an Aug.-Sept. hearing, in 1933, several other applicants (including Brooklyn Daily Eagle Broadcasting Co., Inc., and Debs Memorial Radio Fund, Inc.) jumped into the fray requesting the 1400 kc strip. Scuffle continued from time to time until in Feb., 1936, a hearing de novo was ordered, which was held in March and April, 1937. In June of the same year, Commish entered an order granting WBBC renewal of license and granting in part its request for modification of license, it so far as requested facilities of WVEF. WVEF's application for renewal of license was okayed and all other requests were thrown in the ash-can.

Appeals were taken by WLTH and WARD, the Daily Eagle group and Debs Memorial, but the two latter were withdrawn. With the Commish order stayed by the Court of Appeals—as regards WLTH and WARD—the snarl was tossed back to Washington for further proceedings, with the stipulation that "The Commission and the

other parties in interest agree that the status quo will remain until the Commission has acted on the remand." Subsequently (Oct., 1938) temporary papers were issued for continued operation of WLTH-WARD.

PLAY BALL!

The Battery!!!

WWVA

pitching

201

Towns

catching

The roar of throat-weary Cincinnati fans that raced across Crosley Field to mark a well-earned 1940 World Series victory might well have included another achievement.

WWVA pitched the Gillette play-by-play description of the 1940 baseball classic, and 201 towns outside a 50-mile radius of Wheeling enthusiastically reported by mail that they caught the championship-form delivery. These 201 towns in Eastern Ohio, Western Pennsylvania and Northern West Virginia represent a population of 3,203,640, and of course, do not include the many towns within our 50-mile circle that also "catch" our programs.

Let us pitch your product to our thousands of listeners in the thriving Steel and Coal Belt of the Nation, who have done a fancy job of catching to win many a ball game for WWVA advertisers.

5,000 WATTS

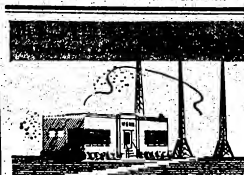
—in the Thriving Steel and Coal Belt of the Nation!

WWVA

WHEELING, W. VA.

Ask a John Blair Man

Spartanburg, S. C.—James M. Waldrop has been named WORD program director, succeeding Jack Walters, who goes to Kalamazoo, Mich. Roger A. Shafer is new production manager, Richard Gray, now with WGN, Gastonia, N. C., comes to WORD late this month.



WBNX

Now! 5000 WATTS

DAY and NIGHT

YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET

ST. LOUIS WILL CHANGE TO
30 KC.

and
5000 WATTS
DAY AND NIGHT
ABOUT OCTOBER 19

NBC

BASIC STATION BLUE NETWORK

EFFECTIVE JANUARY 1, 1941

NATIONALLY REPRESENTED
BY WED AND COMPANY
NEW YORK, CHICAGO
DETROIT, SAN FRANCISCO

APPROVED BY THE
FEDERAL COMMUNICATIONS COMMISSION

OWNED AND OPERATED BY THE ST. LOUIS STAR-TIMES

Gentle Copy Proven Best

Continued from page 23

other radio researchers, and are causing considerable comment in that Schwerin has tackled his problem strictly from the psychologist's viewpoint, and employed methods generally used only in college laboratories.

Most novel to radio—at least so far as basic clarity is concerned—is Schwerin's conclusion that any program is a series of connected stimuli which create (1) a mood; and (2) a channel of thought. In order to keep his terminology as concise as possible, Schwerin has labeled this interacting mood-thought process by the name "Gestalt"—a high brow psychological term meaning "total aspect." Repeated tests have shown that listeners are deeply affected by the intellectual or emotional pattern of a radio program (its "Gestalt"), and frequently react so strongly that weeping, or laughing are not uncommon even in public tests.

At this point the commercial message enters like a villain. Says Schwerin: "Because most commercials disrupt the listener's channel of thought and mood, listeners as a group have become conditioned to avoid commercials. An exaggerated example will perhaps make the point clearer: If every evening upon entering your home, you kick your dog—the dog will soon learn to avoid you when you enter. The same simple psychology applies to the listener's reaction to the commercial."

The Rude Swat

In short, because the commercial message often comes like a rude swat on the head after the listener has been lulled into an emotional groove, the message causes such an outright disturbance that a goodly portion of its value is lost. It follows, therefore, that the way to avoid such a disturbance is to slip the sales message in easily and in the emotional tenor of the program. And this—what—in a general way—Schwerin has recommended. Details of this formula, however, vary by types of programs. Many of them cannot be cited here because they are now the property of Spector clients.

By way of specific example, however, Schwerin's tests have shown that listeners approve highly of the snubler Jack Benny (Jell-O commercials). This is not unique since Young & Rubicam has also been experimenting with improvements in commercials, and undoubtedly has findings corroborating the Schwerin tests). Martha Dean and Gabriel Heatter similarly drew good listener reaction. Schwerin concludes, therefore, that listeners would rather be fooled by a commercial which sneaks up on them, than get a sudden jolt by one of the knock-down-drag-out variety.

But since mere listening to a commercial does not automatically imply that the listener will rush out and buy the product, Schwerin's tests include a second chapter devoted to improving the effectiveness of the sales message. In this instance the commonest villain is confusion within the message. Many of the commercials, he found, have such a poor pattern that the listener cannot make head or tail of it; others present vague ideas and thus lose their punch; and still others are composed of words with indistinct connotations, or confusing double-associations. Schwerin's remedies for poor ideas and poor verbiage vary with each product and get into a branch of psychology called "semantics." But as regards the pattern of commercials, Schwerin recommends the repetition of an idea over and over again. He therefore got many of his 2,000 guinea pigs by using studio audiences and visitors at WNEU and WOR, New York. This unique method of getting a sample has perhaps only been used on one other occasion—by Variety itself in its recent department store tests. At present Schwerin is using car cards to invite interviewees to his conferences.

Novel Method

Also novel to radio is the method of measuring listener reactions. Ordinarily questionnaires would be employed. Schwerin, however, uses a machine developed by Dr. Frank Stanton (CBS research director) and Dr. Paul Lazarsfeld (director of Columbia University's Office of Radio Research). This ingenious gadget has two buttons which the listener may push to register either a favorable or unfavorable reaction. As long as the listener keeps the "favorable" button down, his favorable reaction is electrically recorded by a stylus on graph paper. Ditto for the "unfavorable" button. The marked-up graph paper (divided into seconds

and minutes) can then be compared with the script to see what's what. Parenthetically, it may be noted that this machine has lately been perfected to the point where it will register the reactions of numerous listeners at once—the increased or decreased electrical charge automatically tallying the individual reactions into one total.

Schwerin also used about a dozen other techniques in his experiments. When the results of these methods were checked against results from the machine, there was such a high correlation that the machine is now being used almost exclusively. Additionally, much of the data of a more technical nature is being studied in conjunction with Lazarsfeld's office of Radio Research at Columbia University.

St. Louis—Sid Saunders, gabber at KMOX for the past four years, has tendered resignation, effective Nov. 1. Will free lance Chicago.

10 YEARS UNDER WRAPS

WSPA Perks—WBLJ, Dalton, Ga. On Air Nov. 15

Spartanburg, S. C., Oct. 22. WSPA, recently granted FCC night broadcasting permit, will build \$20,000 transmitter and otherwise modernize layout. Station, held to daytime ethering 10 years, must wait until construction is completed to begin night schedule.

WBLJ, Dalton, Ga., is set for gala formal opening Nov. 15. Owned by Mayor O. R. Hardin, W. V. Williams, J. C. H. Wink and Baxter Roach. Layout is 250-watt, 1200 k.

Thad Brown's Practice

Washington, Oct. 22. Thad H. Brown, veteran radio regulator whose renomination to the Federal Communications Commission was yanked back last week because of face-reddening criticism by critical senators, will hang out his shingle in Washington and Cleveland in association with Corwin Lockwood, recently with the Commish law department.

NBC Blue Primes Southeast Loop; Part of Nationwide Blue Coverage

Chicago Conference To Name Educational 'Bests'

Chicago, Oct. 22.

Annual awards of merit to individuals in the educational-radio circles by the School Broadcast Conference will be instituted this year at the Conference to be held in Chicago on Dec. 4-5-6. This plan has been organized under the guidance of Harold Kent, chairman both of the Chicago Radio Council and of the Conference.

Some 25 members of the advisory committee are now voting on their first, second and third choices for such awards. There is no limit to the eligibility of these awards which may go to anyone associated with education in radio since the start of the use of radio in classrooms.

NBC has Philip Merryman, assistant director of research and development in its station relations department, around the southern area working on the expansion of a southeastern leg for the blue network. It's part of the drive to align nationwide coverage for the blue link. Sheldon B. Hickox, Jr., manager of the red network division in the same department, has been spending much of his time in New England in connection with the forthcoming switch of WBZ-WBZA to the red's setup.

Richmond, Va.—Newton Smyth, WRNL announcer, named assistant to Mallory Freeman, production manager. Takes over new duties immediately. Tubby Oliver heads WRNL Artists Service. Frances Sutton on the reception desk.

"The effect of WLW in our territory is a vital asset as a sales media. We know through increased sales, and consumer demand that a product broadcast over WLW will effect our market. Naturally we check and restock carefully to meet increased demand of our retailers, when notice is received of product to be advertised over WLW."

(Signed) Harry A. Slade, Mgr.

Dayton Economy Drug Co.

Dayton, Ohio

Wholesale Druggists

The Dayton Economy Drug Company travels six salesmen in Ohio and Indiana, within a 100-mile radius from Dayton.



REPRESENTATIVES: New York—Transamerican Broadcasting & Television Corp. Chicago—WLW, 230 N. Michigan Ave. San Francisco—International Radio Sales

WLW THE NATION'S most Merchandise-able STATION

Striking, and Painful, Contrast Between College Professors and Professionals

By ROBERT J. LANDREY

A series of some 40 recordings have recently been completed for use in 100 schools of New York State under a money grant from the Committee on Scientific Aids to Learning, of which Irwin Stewart is director. It is believed the series is destined to be closely studied and is likely to influence future production of educational discs for school use.

Considered as samples of the use of entertainment methods for the purposes of education, the series immediately suggest this point to the professional (such as VARIETY's) ear: those discs which were made at Syracuse and Cornell universities by professors tend to be dull, slow and pedantic, while in startling and occasionally painful contrast the recordings made at a commercial radio transcription studio under the influence of radio professionals are lively, engrossing and provocative.

That this slightly invidious comparison cannot be avoided and will form the basis for discussion in educational circles interested in the use of entertainment devices seems certain. It was such an obvious walk-away for the radio professionals that the college professors will hardly risk future contrasts of the same character.

Actually the whole project is partly an experiment and for children. Entitled to some critical leeway on that score, had all the discs been made under either campus or show biz auspices and not divided the interest would have been more naturally confined to what was being done rather than how.

Primarily intended for rural New York State schools, the discs have been produced under the general supervision of Edie Bathurst of the State Department of Education, and J. C. Morrison. Various writers and educators provided material. School children in Albany and college students at Syracuse and Cornell were used along with various pedants on some of the discs, regular AFRA actors on others.

Those of the recordings which bear the imprint of radio professionalism were cut at World in New York under the direction of Garrett Hollman and the general supervision of World's program chief, Charles Gaines. Familiar radio voices recognized in the showmanship examples included Parker Fennelly, Peggy Allenby, Harold Vermilyea, Wilfred Lytell, Marilyn Erskine, Marion Barney, Carl Frank, Ruth Gates, Jackie Jordan, Joe Latham.

CLAIRE LUCE

5 Mins.
BBC, London

Claire Luce found the radio microphone old—murder—in-a-steel-box. Like more than a few legit gent before her, she came before the deadly voice-thruster unprepared to make up by throat alone the black-out of her personality, her cutie tricks, her arched eyebrows. The radio was cold, but icy. Scared or uncoached, or both, Miss Luce proceeded colorlessly and unhappily through three numbers as a guest on the Saturday Spotlite.

It was pretty embarrassing.

METROPOLITAN OPERA AUDITIONS

With Wilfred Pelletier, Lillian Taiz, John Dudley, Edward Johnson
30 Mins.
SHERWIN-WILLIAMS CO.
Sunday, 5 p.m.
WEAF-NBC, New York
(Warwick & Legler)

With every bit of its past dignity and aplomb intact, the Metropolitan Opera Auditions of the Air was ushered back on the NBC-red the past weekend (20) for its sixth consecutive season. The routine, which became congealed years ago, is completely bereft of hokum except to the extent the politics on who wins, as reported, may be true. The productions are soberly phrased and brief, the commercial copy is limited to a short announcement about the availability of a paint and color catalog and the level of talent uniformly makes for a pleasant mood and aural impression. The program still rates as a highly effective sample of institutional deafness.

Edward Johnson, the Met's general manager and chairman of the committee of judges for these auditions, teed off the initial chapter with the statement that 18 of the past auditees have become members of his bigtime troupe (Sherwin-Williams insists upon that), and some expressions of appreciation for the NBC radio audience's aid in effecting the purchase of the Met's property last spring. He also engaged in biographical crosshatching with the opening program, two aspirants for Met berths, namely, Lillian Taiz and John Dudley. Like practically all others who do soloing on this series, Miss Taiz and Dudley have professional backgrounds. Dudley has been in musical comedy and was a leading tenor with the D'Oyly Carte Opera Co., while Miss Taiz hails from opera. For their opening number the pair took under a slice of Puccini, the latter half of the first act of "La Boheme," and gave it plenty of lyrical treatment. As a dramatic effort, it was somewhat offish. Each also did an encore, and the results in lyrical output was again tip-top.

Wilfred Pelletier continues as baton of the symphony contingent, while Anna Erskine does the script.

NAT GONELLA and His Georgians
Orchestra
5 Mins.
BBC, London

Combination long clicko with the younger set and those who like it sizzling. Outside dates seem to constitute his chief field, rather than a straight West End booking, where the tempo might burn itself away or wear patrons out. Bolstered by the occasional radio date, group keep the interest from wanting.

Setup obviously trades on the trumpet style, in arrangements and breakdown rhythm, and in both the brasswork and hucky warbling of Gonella himself. Outfit had quite a European following in pre-blitz times. Gonella only just got out when declaration caught him and the boys in Sweden.

THE WISHING WELL!
15 Mins.—Local
CARSON, PIRIE & SCOTT
Daily, 8:45 a. m.
WGN, Chicago

Novelty (Stark-Goble)
of the town's leading department stores follows the trail of the give-away with a new twist. With Mary Paxton as the goody, listeners (women) are invited to write and ask for anything they wish in the store, and if the letter and wish are deemed worthwhile, the wish is granted. Hats, shoes, jewelry, furniture, linens, make up the usual wishes fulfilled, though somewhere along the line the store may decide to fulfill a wish for a milk cow or a Persian rug.

Women are asked to send along their date of birth and, if so, their wedding anniversary. And doubtless the tie there is that with a written record of wedding anniversary and birthday information, the store has beaucoup ammunition to fire up a sale to the husband at the proper time. This is a good marketing angle and should move goods.

Entire program set-up is sharp on the merchandising angles, giving a store plenty of close communication with the femme buyers of the community, and there are many ways the store can make use of the acquired mailing list along with the written record of the women's wishes.

Mary Paxton handles the other job in clean-cut fashion. Has a direct speaking voice which is all to the good and which is particularly interesting because it refuses to go mushy and goovy as the ordinary femme ether speller. In addition to handing out the gifts, Miss Paxton also tosses in three or four sales messages on current sales features at the store. In between there is some pop music on recordings to round out the 15 minutes. Due to earlier commercial commitments the station can't give the program a set period across the board at present, but no doubt this will be straightened out in the future. The present arrangement, while perhaps a little disconcerting, represents no objection to the click of this program.

Follow-Up Comment

Joan Livingston, who now has a regular assignment to report for NBC on Far Eastern situation, displayed a clear, cultured voice and a cool, precise and sane manner in a four minute summary from Shanghai, on early-evening "Newspaper of the Air." Circumstances combined to make Miss Livingston's broadcast dramatic. Just as she finished saying "Flash"—word has been received in the studio that the mayor of Shanghai has been assassinated, this may make the situation more tense.

New York cut in. Apparently, there was not the hot switch to which listeners have been accustomed in the past. Miss Livingston's talk was understandable.

Florence Malone, heroine of countless housewife hokums, was guest interviewer on Wednesday (16) on Nellie Revell's "Meet the Artist" series over NBC blue (WJZ). It was a nice session. Script was skillfully written and sound pleasant and casual in performance. Miss Malone has a warm, friendly personality and, naturally, an effortless proficiency before the mike. Script effected in the proper atmosphere of show business sentiment, told of the actress' background and wound up with a punchy greenspace bit of recitation.

Fred Allen, concluding a quiz on whether studio audiences are an asset or a liability to radio programs, opined it was okay for people to attend for purpose of seeing how a broadcast is staged but visitors should not expect a specially prepared entertainment for them. To protect himself from umbrage, comedian said, "I'm escaping through a crack in the air conditioning."

Jack Benny proved himself a master comedian as far as radio is concerned during last Sunday's Screen Actors Guild show on CBS. The program that he had done for Jello in his regular NBC spot just a half hour before was in itself a geyser of laughs but this when compared to what happened on the Gulf session took on the proportions of a trickle. The laughs in the Gulf inning came with machine-gun rapidity and most of them hit hard at the listener's midsection. It was comedy writing par excellence on the part of Benny's staffers, Ed Hearn and Bill Morrow, and with such crack troupers as Edward Arnold, Claudette Colbert and Basil Rathbone each contributing brilliantly to the madgagery the Guild set a mark that it most probably won't be able to approach the rest of this season. A big pat is likewise due Ernst Lubitsch, an ex-median (European) himself. Lubitsch did a straight which was responsible for sharpening up many a whopper. A perfect blending of script and cast resulted in a quality of farce of which any entertainment medium could be proud.

TOMMY DORSEY
'Fame and Fortune' with Connie Haynes, Frank Sinatra
Band, Songs
30 Mins.
NATURE'S REMEDY
Thursday, 8:30 p.m.
WJZ-NBC, New York
(Stark-Goble)

This program represents NBC's first letdown of the bars it put up against new laxative accounts five years ago, so that whatever results that Nature's Remedy gets out of the half hour should be regarded by the account. Lewis-Howe, as so much velvet. The Tommy Dorsey session also serves as another one of Lewis-Howe's devices: a la Pot o' Gold for giving away money.

Giveaway appeal on Dorsey's show involves amateur songwriters. Its avowed purpose is to 'help' the neophytes up the ladder of fame and fortune. Fortunately for the listeners the program includes only one sample of this solicited stuff. Stunt's sales bluster is greater than his bite, since the amateur entry is but one of seven numbers played.

For the debut occasion the program offered a crowning example of a first song success in the case history of Ruth Lowe. Field also appeared long enough at this mike to assist someone impersonating Miss Lowe in repeating her story, heard before on the air, as to how she came to write "I'll Never Smile Again." Dorsey, publisher of this tune, vouchsafed at the tail end of the interview that "Never Smile" has sold over 400,000 sheet copies and over 800,000 phonograph records. With such inspiration before them, the toll of dime-store clerks and busboys suddenly turning to songwriting should be terrific.

Before an amateur can submit his manuscript an entry blank must be obtained from a neighborhood drugstore. From Lewis-Howe direct. No manuscripts are returned, Dorsey explained, but he and two other orchestra leaders (not named) are the sole judges of a manuscript's worthiness for the weekly prizes, namely, \$100 for the song actually performed on this program and \$50 each to the two runners-up. The song performed on the opening program was tagged "I've Got a Restless Spell." Dorsey gave it, as he usually does all his numbers, a craftsmanlike arrangement and good vocal backing by Connie Haynes and Frank Sinatra. In line with the network's campaign to wean listeners away from ASCAP music Dorsey also played "Old Black Joe."

The advertising copy on Nature's Remedy was heavy but inoffensively phrased. "The product, it was pointed out, had been offered a cure-all but merely as a laxative help. Also included in the sales argument was a money-back offer and the reliability angle: viz. Nature's Remedy has been on the market for 50 years. Ode.

HARP LAWRENCE

5 Mins.
Sunday, 6:30 p.m.
BBC, London

Unusual instrumentation lifts this one out of the rut. Pop melodying on the harp is still rare enough, and Lawrence should fit clicko with nitery trade, for he dresses his routine with attractive patter and personality. Airing and style when caught was adapted to cine-vaudé trade performer circuits. Variety show (22) served to highlight the act and it lost nothing in patron favor. Melodying reveals unusual care in arrangements, wisely backgrounded by pianoing where rhythm is hard to finger on the strings. Lawrence should have no difficulty going places.

JOAN BLONDELL

'I Want A Divorce'

Drama
30 Mins.
MUELLER MACARONI
Friday, 8:30 p.m.
WOR-MBS, New York
(Emil Brischer)

A creation of the San Francisco advertising agency, Emil Brischer, this half-hour program combines a familiar screen personage, Joan Blondell, with an arresting title. Either listing in a radio log should entice listeners. The program is hooked up on 33 Mutual stations by the device of having local sponsors faded in and out of the network feed.

'I Want A Divorce' is a series of individual dramatizations of couples who split up too easily and rue the decision. In this installment Joan Blondell is on the verge of breaking up with her hubby, but is deterred by her divorcee-sister committing suicide.

It's good straightaway hoke that will please the average not-too-critical listener. It gives the local sponsors a plausible hitch-hiking chance and adds a name to Mutual's schedule.

'THIS SMALL TOWN'

With Joan Banks, Jay Jostyn, Carl Eastman, Eleanor Audley, Ed Herlihy
15 Mins.
PROCTER & GAMBLE
Daily, 10 a.m.
WEAF-NBC, New York
(Compton)

This P & G strip drama for the new product Duz (granulated soap) is something of an experiment. Heroine, the wife of a mild, well-meaning, but not too alert small-town New Englander seems hardly likely to win sympathy from the great horde of respectably married femme dialers. She's a versatile babe, having recently returned from a Q.T. outing with some other man, to say nothing of being on the verge of becoming involved with one of hubby's friends, the town reactor. Hubby, a bit of a dope, doesn't suspect a thing—or at least he has given no such indication.

Series, scripted by Leston Huntley, is exceedingly slow-paced. All the events are underwritten, yet every incident is taken as a momentous emotional crisis. Each day's chapter may consist of merely a casual, but terribly intense conversation between Carrie and Russ, possibly over the question of nothing more world-shaking of what they have for breakfast. Chick Vincent's direction has the performance keyed down to a deliberate crawl, with every line given emotional overtones and every pause drawn to the breaking point. It creates a curious blend of tension and mawkishness.

Considering the ultra-deliberate pace, the playing is excellent. Joan Banks is pliant and expressive as the wayward heroine, playing down the heart-throb but somehow making the character understandable and sympathetic. Jay Jostyn catches the proper note of stolidity in the husband while Carl Eastman and Eleanor Audley convince in supporting parts. As usual, there's nothing bashful about Procter & Gamble's commercial announcements, which Ed Herlihy reads with the required emphasis. Show is produced by Edwin Wolfe (not Ed Wolf Associates) as a package for the Compton agency. Hobe.

Fritz Blocki will do the production of "Y. Dream Has Come True," which Quaker Oats debuts on the NBC-red Sunday, Oct. 27. Show will come out of Chicago. Ruthrauff & Ryan is the agency.

3 GENTLEMEN FROM INDIANA



WGBF EVANSVILLE
WBOW TERRE HAUTE
WEOA EVANSVILLE

Three promotion men from Indiana ready to go to market for you and how they can sell! Experience shows that they, like our other Stations, produce

Results That Count!

WEED AND COMPANY

NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO

Radio Station Representatives

When Bosses Need Soothing
WBNS
HELPS BREAK DOWN SALES RESISTANCE

WBNS
Central Ohio's Only CBS Outlet

TOMMY LYMAN
From HARRIGAN AND HART
To RODGERS AND HART
With SALTED ALMONDS
By NOEL COWARD AND COLE PORTER
Special Material by MILT FRANCIS
AT THE
CAFE D'OREE
THE RENDEZVOUS BEAUTIFUL
30 EAST 40TH STREET
NEW YORK CITY

WANTED - a Comedian!



To complete the picture of NBC Blue Network Program Leadership

Frankly, we wish we had a Jack Benny or a Charlie McCarthy on the Blue, what with Ben Bernie's music funfare and the delightful inanities of "Easy Aces," but still another "clown prince" would provide just the finishing touch we need to complete the pattern of Blue leadership in every type of program.

We sincerely believe that no other network offers such a well-balanced platform of entertainment, be it commercial or sustaining.

That is why, when you put your show on the Blue Network, you start with an audience that is as loyal as it is large, attracted and held by a consistent flow of first-rate showmanship. Many of these programs were conceived and developed on the Blue—the same network where they are now doing such an excellent job of salesmanship.

Add to this the fact that the Blue Network provides its coverage in the Money Markets where America's buying power is concentrated, plus the welcome reminder that the famous NBC Blue Network Discount Plan offers national coverage at the lowest cost of any medium, and you can understand why 24 new advertisers have joined the Blue since June 1, 1940.

The moral—today, more than ever, "Better Buy Blue"

National Broadcasting Company A Radio Corporation of America Service.

NBC BLUE NETWORK

Sales thru the air with the greatest of ease



News—Blue and Hot . . . In today's stirring times, both number and importance of commentators are increasing. C.A.B. figures show Jergens' Walter Winchell (left) and Sunoco's Lowell Thomas leading the field in the size of their audiences. Both are heard over the Blue. And in Sports the Blue boasts the exclusive blow-by-blow and play-by-play commentaries of Ace Sports Reporter Bill Stern. Hear Bill Stern's fight broadcasts sponsored by Adam Hats.



Quiz Experts Old and Young . . . Ever fresh and enjoyable is "Uncle Jim's Question Bee," veteran of 8 years on the air, currently stirring up new sales for Lever Brothers' Spry. Most recent question-answer sensation and star salesman for Alka-Seltzer are the "Quiz Kids" (shown above)—proof that on the Blue there's always a new twist to an old idea.



Music—High "C" to Moanin' Low! . . . America's love of music is as varied as it is voracious. To please all ears, NBC Blue maestros range from Arturo Toscanini to Tommy Dorsey; programs from Metropolitan Opera to Chamber Music Society of Lower Basin Street. No other network offers music lovers such famous artists, so complete a musical diet. And in drama, too, the Blue offers varied fare. Latest addition: "Grand Central Station."



Vital Information—Vital Issues . . . Public service programs of the NBC Blue Network have long been outstanding. Prime examples are National Farm and Home Hour and the equally famous Town Hall Meeting of the Air (shown above) where noted speakers hotly contest vital issues in a thrilling demonstration of America's freedom of speech.

ERPI, in '30s, Soured Music Pubs On Any 'Per Use' ASCAP System; Another Week of Stalemate

While a committee of dance band leaders continues its efforts to find a basis on which the broadcasting interests and the American Society of Composers, Authors and Publishers could open negotiations for a new licensing contract, ad agency men show themselves less inclined than ever to intervene in the impasse. Latter have decided generally to stay out of the situation and carry on their musical programs, if possible, up until the end of their time commitments. The next step will depend on what reaction their programs, sans ASCAP music, get from the listeners.

The committee named by dance leaders to attempt bringing the radio and music factions together met late yesterday afternoon (Tues.), with ASCAP spokesmen. In the case of the meeting with radio's reps last Wednesday (16) only Neville Miller, president of the National Association of Broadcasters, and Sidney Kaye, NAB counsel and BMI v.p., were present. ASCAP will have at hand Gene Buck, John G. Paine, members of the ASCAP radio committee and its board of directors.

What will likely prove a hopeless impediment to any meeting of minds between radio and ASCAP is the insistence of broadcasting's spokesmen that any agreement must be based on a fee only for programs using ASCAP music. The music industry has declared itself as unequivocally opposed to any such arrangement unless the guarantees are worthwhile.

History of 'Per Use'

In taking this stand, music men recall what happened back in the early '30s, when it permitted Electrical Research Products, Inc., to change the formula of its contract for film synchronization. Under the original contract the film producers through ERPI were obligated to pay a fee on all soundtrack music. Later the music men agreed to change the formula, to the end that the producers paid a flat fee on only such copyrighted music as they used. During the interim the producers were able not only to buy their own music firms, but have most of the background music scored by their own men in the studios, with the result that the publishers' income from film rights fell off for the next five years as much as 45%. Publishers and

writers within ASCAP foresee history repeating itself in the case of radio. The latter, they point out, could take advantage of a per program arrangement to build up the value and income of Broadcast Music, Inc., or any other similar competitive publishing organizations broadcasting might elect to set up.

Monie Kleban, production chief of WOAI, San Antonio, has sold a radio play to Samuel French for publication in a book of radio plays.

BMI Party for Press

Broadcast Music, Inc., will give a cocktail party to radio editors and the trade press next week and then show them around the new project's layout.

BMI's press agents have received instructions to refrain from concentrating on an anti-ASCAP job and instead give their attention to selling BMI on an affirmative basis.

Director Added

Albany, Oct. 22. Broadcast Music, Inc., New York, has filed a notice with Secretary of State of a change in directors. Rosenberg, Goldmark & Colin, New York, are the attorneys.

The change is the addition of T. C. Streibert, of WOR, Newark, so that Mutual can have representation on BMI's board.

National Music Council Awkwardly Situated In Radio-ASCAP Fight

Indications have been given that the National Music Council, which represents every form of music interest in the country, will soon be faced with the issue of taking a stand on the fight between the broadcasting industry and the American Society of Composers, Authors and Publishers over a new licensing contract. The matter will turn out to be the first hot potato that the Council has had to handle since its organization.

The Council by its membership represents over 1,000,000 persons in this country. Even the U. S. government is represented on its offi-

cial roster through Harold Spivacke, chief of the Music division of the Library of Congress. The primary purpose of the Council is to deal with anything which affects "this country's musical life, and intimations have been given that the radio-ASCAP wrangle will on this ground be brought out on the Council's floor by the process of resolution.

Among the groups represented in the Council are ASCAP, the National Association of Broadcasters, the Standard Music Publishers Association, the Music Publishers Protective Association, the Songwriters Protective Association, NBC and CBS. Davidson Taylor, of CBS, is the second v. p., Franklin Dunham, of NBC, secretary, and Walter G. Douglas, MPPA chairman, the treasurer. Sidney William Wattenberg, the Council's general counsel, is also general counsel for the MPPA.

Membership also includes educators, music clubs and musical instrument manufacturers, and it likely various labor organizations, such as the American Federations of Musicians and the American Federation of Labor will soon enter the Council's ranks.

Meanwhile BMI has released the first documented catalog of the works within its repertoire. It's a partial list of the tunes belonging to M. M. Cole which are to be found in phonograph records. Most of these are hillbilly tunes, but the list includes "Mexicali Rose," "Big Bass Viol," "I Only Want a Buddy," "Little Sweetheart of the Ozarks," "Pretty Quadroon," "I'm Just Here to Get My Baby Out of Jail" and "Strawberry Roan."

Russ Morgan's Plea

Cincinnati, Oct. 20.

Editor, VARIETY:

Am confidentially informed that Columbia Broadcasting System taking off all remote broadcasting dance-bands' step to control non-ASCAP music to be played by their chain house orchestras.

Suggest plea for fair play in VARIETY columns to protect present music libraries related to status of dance-bands who will suffer such CBS order. All orchestra leaders who attended recent meetings, sponsored by Russ Morgan, should arrange similar meetings in all localities where they play. Morgan has just received permission from musicians unions in Detroit and Cincinnati to invite local orchestra leaders there to meetings which he will address to explain summary of recent New York meetings showing that maestri may be victims of squeeze play from both sides of controversy, unless settled.

Paul Specht.
(Personal Representative for Russ Morgan).

John Paine Has the Floor

Another in the series of exchanges of Views—and Charges—As Between the National Association of Broadcasters and the American Society of Authors, Composers and Publishers. This time ASCAP speaks.

Editor, VARIETY:

After reading Neville Miller's recent 5,000-word installment in the Oct. 9 VARIETY, I am struck by two alarming thoughts. The first is the appalling amount of words that the N.A.B. and BMI can grind out, and the number of boogies they can conjure up, without touching upon the most vital point of all. The second, and even more frightening, is the realization that this sort of thing can go until doomsday without getting one pica nearer to solving the big problem in radio. There is only one issue here. The chains don't want to pay. N.A.B. and BMI have issued tons of propaganda, all designed to conceal the basic fact that the chains don't want to pay. The radio stations have no objections to paying. They always have paid. Now they are asked to pay less than before. But the chains don't want to pay. That's the issue; let's not lose it. The chains don't want to pay. They want to keep the whole music clearance cost on the stations. They don't want to pay.

I think it is about time to get down to earth in this music controversy. It is time for the N.A.B. and BMI to discard their own special brand of gymnastic calculation which produces bloated figures. It is time for them to stop pretending they have any altruistic or philanthropic intentions toward the composer. It is time for them to start handing out fewer words and more music.

Let's get at the facts. Not the kind of facts that come out of the lively N.A.B. and BMI imaginations, but the dictionary kind. A large number of composers, authors and publishers have voluntarily joined a society designed to safeguard their interests in particular and promote the cause of music in general—the two aims go hand in hand. It's no sin nor a violation of any law for a group of composers to deal collectively. ASCAP doesn't control all the music in the world, nor does it seek to compel anyone to use its music exclusively. It believes in freedom of expression, freedom of selection, and acceptance on merit.

For compensation, ASCAP is willing to take its chances on a percentage basis, to accept smaller amounts when business is good.

The radio chains, however, are insistent that either ASCAP goes on the air at their terms or ASCAP doesn't go on the air at all. And, again illustrating the quality and expanse of their imagination, they are telling the world that, with their subsidized BMI, they can get along without ASCAP music.

Well, let us see about that. Here we have several interested parties—the FCC, the public, the band leaders, the musicians, the singers, the advertisers, and finally those several hundred individual stations who have been taken in by the chains with their N.A.B. and BMI.

'What They Want—'

Now, all these parties are interested in just one thing. They don't want trumped-up bugaboos about

an imaginary \$9,000,000, fairy-tales about all the new composers who are going to be created by BMI, or any other pipe dreams from the smoking room. What they want is music, lots of music, and not just plain old kindergarten or mail-order music, but the kind that is delivered consistently by composers like Irving Berlin, Cole Porter, Jerome Kern, Oscar Hammerstein II, Vincent Youmans, Lew Brown, Ray Henderson, Hoagy Carmichael, George M. Cohan, Irving Caesar, etc., etc., and the firmly established works of such past masters as Victor Herbert, John Philip Sousa, George Gershwin, Ethelbert Nevin, etc., and the standard compositions of Charles Wakefield Cadman, Deems Taylor, Carrie Jacobs Bond, Fritz Kreisler, and more than 1,100 others in this country alone, to say nothing of about 42,000 in foreign countries.

I said we are going to stick to facts. Factually, then, what can N.A.B. and BMI offer as a comparable substitute for these American works which are to be boycotted by the chains starting New Year's Day? I know they've made promises and given assurances and all that. But I'm asking for names.

All right, then; let's pass up the names and take the music itself. A good song is a good song, no matter who wrote it, and the BMI has promised that it will deliver good music even if it is by unknown composers. I hate to keep pointing out that a promise is one thing and the actual delivery of the article is another, but it is so important that I'm sure the interested parties will bear with me.

When ASCAP says it will provide a constant supply of acceptable new music, that promise is backed up by the past performances of established writers. These composers and authors are the best in the world, and they have been delivering consistently, year in and year out. So their music can be depended upon.

How Many BMI Hits?

But what's in back of the promise? In all these past months of activity, how many hits has BMI produced? Were these songs in the 'hit' class on the basis of public acceptance? How many pieces of sheet music and phonograph records did they sell? Ask any music dealer. And then ask George Washington Hill how long he thinks his 'Hit Parade' will survive on synthetic hits.

Yes, it's high time for N.A.B. and BMI and the radio chains to stop kidding. It's time for them to stop evading the real issue. They might be able to get away with it if they had only one party to contend with. But there's the band leaders, and the musicians, and the singers, and the individual radio stations, and the advertisers, and the FCC, and finally—above all—THE PUBLIC.

John G. Paine,
General Manager,
AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS.

Wash. Newspapermen Meet Buck of ASCAP, Neville Miller of N.A.B.

Washington, Oct. 22. Tiff between radio and Tin Pan Alley is getting to be a pleasant experience for newspaper scribes. Both factions in attempting to put over their cases have become generous hosts.

A few weeks ago, handpicked crowd of press association and metropolitan paper typewriter chauffeurs and legmen was cocktailled by Gene Buck. Between drinks the American Society of Composers, Authors, and Publishers version of the controversy over performing licenses was described.

With approximately 25 on the invitation list, Neville Miller had diet mignon and all the trimmings served up last week to arouse interest in National Association of Broadcasters reply. The N.A.B. handed out a 16-page booklet, quoting frequently from VARIETY, giving the station and network slant in question and answer style.

Toledo, O.—Mary Lucille Roth, formerly of WSPD, Toledo, has joined WAGA, Atlanta, doing women's programs. Both stations are operated by the Fort Industry Co., Toledo.

THE MARTINS
"TEXACO STAR THEATRE,"
CBS, WEDNESDAYS,
9 TO 10 P.M., EST
ALSO
"LOUISIANA PURCHASE,"
Imperial, N.Y.
Vocal Arrangements and Direction by
HUGH MARTIN
Personal Management
FRED STEELE
9 Rockefeller Plaza, New York City
Suite 604 COLUMBUS 6-2145

**DON'T MISS
PALMOLIVE'S
"HILLTOP HOUSE"**
STARRING
BESS JOHNSON
By Adelaide Marston
Dedicated to the women of America.
The story of a woman who must
choose between love and the career
of raising other women's children.
WABC-CBS—10:30-10:45 A.M., EST
78 Stations Coast-to-Coast
Direction **BENTON & BOWLES, Inc.**
Management **ED WOLF, RKO BUILDING, New York**

IN
BALTIMORE
IT'S
WFBZ
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.
ON THE NBC RED NETWORK

**Lively
Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN
MARKET
FOR
KDYL**
The POPULAR Station
Salt Lake City
NBC
RED
NETWORK
Representative
**JOHN BLAIR
& COMPANY**

ALL NON-ASCAP REMOTES DEC 1, AIR HOPE

If Broadcast Music Inc., network owned music catalog, can gather sufficient material by Dec. 1 to warrant it, the three major networks on that date will order that all sustaining bands schedule practically entire non-ASCAP programs. Currently the nets are asking bands to use at least three non-ASCAP tunes each half-hour broadcast.

Dec. 1 date is a full month before the expiration of the present ASCAP-Radio agreement, but the nets figure that putting pressure on bands to schedule almost all BMI or non-ASCAP tunes after that date will lessen the shock to the listening public when the Jan. 1 deadline for the use of ASCAP tunes arrives.

WOL OPEN ALL NIGHT

Gives Washington First 24-Hour Radio Service

Washington, Oct. 22. WOL, local Mutual outlet managed by William B. Dolph, is to give the town its first 24-hour service. On Monday (28) transmitter will introduce four-and-a-half hour broadcast, 'The Dawp Patrol', which will shatter the silence which now exists between 2 a. m. and 6:30 a. m. which heralds WOL's daily reopening.

Recordings and transcriptions will comprise the bulk of the new program—which has been described by Dolph as particularly for 'late retirees'. There will be interspersed chit-chat from the emcee and telegraphed requests for musical numbers will be honored and 'specifically mentioned on the air'. No telephone requests will be accepted, however.

MUTUAL'S FIRST

Copyright Checker Hired by Web Because of ASCAP Situation

Mutual Network has got itself a copyright clearance checker in anticipation of a break between the broadcasting interests and the American Society of Composers, Authors and Publishers Jan. 1. Mutual has not maintained a clearance bureau heretofore and the assignment of getting one started falls to Mrs. Jeanie Campbell.

Mrs. Campbell has been doing copyright clearance for the N. Y. World's Fair, and for five years previous to 1939 she had a similar job at WHN, N. Y. Before that she checked copyrights at NBC.

KSL Gives Public Chance To Hear Clubwomen Toss Around Kid Show Ideas

Salt Lake City, Oct. 22.

A roundtable discussion on trends in children's programs was aired last week over KSL as quarter hour program. Endeavor was made to bring together representatives of advertiser, station and the parent groups, headed by Irma Felt Bitner, educational director of KSL. Others taking part in the radio discussion were Mrs. M. T. Large, Radio Chairman of the Utah Federation of Women's Clubs, Mrs. H. S. Dittman and Miss Bessie Jones.

Openly criticizing programs—but not by name—dealing with crime and the solution of it, the consensus of opinion was that the future should develop better children's programs, especially those designed for children in particular and with less commercialization.

Mrs. Edwin C. Lewis, field representative and vice-chairman of the Radio Council on Children's programs, was present.

Dale Morgan, who has just completed a year on the inquiring mike for Inland Milling on KSO, has been signed by the H. E. Sorenson Co., Crosley distributors in Des Moines.

GENE O'FALLON WRITES GREENBERG OF ASCAP

Typical of the local stations current attitude toward ASCAP and of the present crop of open letters is the one that came last week from Gene O'Fallon of KFEL, Denver. This broadcaster addressed ASCAP's asst. general manager Herman Greenberg (and the trade at large) at ASCAP's New York offices saying, in part:

'The plain facts of the case are that we have eliminated practically all ASCAP music from our local program origination since last July 25, but there have been some instances where it was to our advantage to occasionally perform an ASCAP composition. Where it has suited our convenience, we have made such performances of ASCAP music which we have a perfect right to do under the terms of our license—a typical instance is on a commercial program for a roller skating rink in which we have permitted the agency to select the musical compositions—the fact that this rink employs an organizer who has been in the past, and perhaps may be at present, employed as an ASCAP spotter for infringements may have something to do with the selection of certain ASCAP compositions for its programs.

'We should like to go further and explain that we have two purposes in mind in concentrating upon non-ASCAP music in our program originations. In the first place, we have been informed repeatedly by your organization that the performance of your music by radio broadcasting has been injurious to your music—specifically, that radio has 'killed your tunes.' We still do not acknowledge this effect, but we certainly have no desire to injure your compositions.

'In the second place, our policy is giving us the opportunity of acquainting our listeners with music other than that controlled by your society so that they may become familiar with it prior to the expiration of our ASCAP license, which we do not intend to renew because your society has consistently refused to permit us to purchase any portion of your service without requir-

'Happy Birthday to You' May Need New Theme Song After Jan. 1; Blue Gives Show Free Buildup

More WLW Scholarships

Cincinnati, Oct. 22.

This year WLW increased from 10 to 15 the number of scholarships awarded young men and women of Greater Cincinnati for radio training at the Cincinnati College of Music. Recipients were selected last week by Joseph Ries, the station's educational director.

Scholarships are valued at \$100 and are for courses in acting, announcing, production and sound effects, conducted by WLW staff members.

RADIO-FILM FORUM AT FINANCIAL ASSN.

Ft. Wayne, Oct. 22.

Harold Cotherell, conductor of WGL Dykta, quiz show, is chairman of the radio and motion picture forum at the Financial Advertisers association convention, starting Oct. 28 at The Homestead, Hot Springs, Va. Cotherell is assistant cashier of Fort Wayne National bank.

He has emceed Dykta since its inception three years ago.

ing us to pay for the use of your entire catalog. Probably you have the right to dictate the terms upon which we can use your product, but we don't see how you can force us to use it if we don't like your terms.'

'We hope you will keep these facts in mind in any information you release regarding the musical performances by KFEL.'

Cordially yours,
Gene O'Fallon, KFEL.

NBC-blue has agreed to give the Axton-Fisher show, 'Happy Birthday to You', a seven-week buildup on a sustaining basis, starting Nov. 22, before the program makes its debut under the banner of Twenty Grand cigarettes. Spot bought by A-F is Friday, 9:35-10 p. m. Actual date of the program going commercial is Jan. 3.

Show may run into one difficulty after the first of the year, and that has to do with its proposed theme song, 'Happy Birthday to You'. This tune is owned by the publishing house of Clayton F. Summy, and Summy is affiliated with the American Society of Composers, Authors and Publishers. Should the networks fail to sign a new licensing agreement with ASCAP by Jan. 3, the 20 Grand series will have to pick a substitute theme out of the public domain, if there is such available, or get an especially written appropriate tune.

Ben Holtzmann Leaves Cantor to Enter Radio Production on His Own

Benjamin F. Holtzmann, veteran p.a. and for almost the past decade personal manager for Eddie Cantor, has severed his associations with the comedian to go into the radio production business on his own. Holtzmann and Cantor's relations date back to Ziegfeld shows when the former (with Nat Dorfman) did publicity for several legions. Holtzmann was also dramatic editor on the old N. Y. Evening Journal (Hearst).

Cantor, meantime, feels his business organization can continue to function as presently set up without adding anybody, at least at this time.

WEEI aims to sell

● Only WEEI in Boston has the happy combination of coverage and programs that builds big markets ... a powerful directionalized signal backed by the entire CBS schedule, coupled with WEEI's own "made for New England" local originations.

Like the bowstring behind an arrow, it's WEEI's top-notch programming that drives WEEI's penetrating signal straight into the listening habits of near and far New England.

5,000,000 New Englanders live in the 32-county market dominated by WEEI program-power. Because WEEI is easy to listen to (from every angle) more New Englanders tune regularly to WEEI than to any other Boston station.

Advertisers who want to reach the biggest concentration of people and dollars in New England choose WEEI. That's one reason why this September, WEEI's national spot billings were 71½% ahead of last year.

WEEI COLUMBIA'S FRIENDLY VOICE IN BOSTON

Operated by Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, Los Angeles, San Francisco, (1)

L. A. Units Up In All Categories; Increases Small But Steady

Los Angeles, Oct. 22.

Increases were noticed in all divisions last week even though the upsurge lacked the potency of previous weeks. All stations participated in the rise, one helping another that had failed to share in the spread of the spoils. KNX picked up strongly in national spot to balance off a few unit losses elsewhere along that front. The sum total proved encouraging and augured for time premium in the desirable locations.

KNX: Vick's Va-tro-nal, 130 five-minute Oddsities in News, through Morse International; Washington State Apples, 24 participations in Fletcher Wiley combination; Carnation Milk, 312 participations in Wiley combo, through Erwin, Wasey; Studebaker Champion, 39 quarter-hour musical programs, through Roche, Williams & Cunningham; Procter & Gamble (Dash), 280 quarter-hour broadcasts of "Kitty Keene" transcriptions, through Pedar & Ryan; Maryland Pharmaceutical, 156 one-minute announcements, through Joseph Katz; Langendorf Bakeries, 520 time signals, through Leon Livingston; Coast Federal Savings, 312 participations in Wiley combo, through Robert Dennis.

KFI: Bond dog food, 15 participations in "Notebook" and Bridge Club, through Elwood Robinson; Vapex, 30 one-minute transcriptions, through Small & Seiffer; Alcock Co., 52 one-minute transcriptions, through Small & Seiffer; Beneficial Casualty, 26 quarter-hour broadcasts of "That's Amazing," through Stodel agency; Supreme Bakery, 65 participations in "Notebook," through Olan agency; Star, Outfitting, 156 quarter-hour newscasts, through Allied Adv.

KECA: Beneficial Casualty, 26 quarter-hour broadcasts of "That's Amazing," through Stodel agency; Wilkie Committee, 13 quarter-hour political talks, through Lockwood-Shackelford; Kelley Kar, 148 quarter-hour newscasts, through Allied Advertising; Helms Bakeries, 10 participations in Mildred Van program, through Martin Allen.

KHJ: Feenמתin, 52 half-hour broadcasts of "Double or Nothing," through William Esty; Frank's Medicine Pipes, six quarter-hour sports programs by Reed Kilpatrick, through E. T. Howard; Peter Paul chocolates, 13 quarter-hour commentary by Wythe Williams, through Brischard, Davis; Remington-Rand, nine five-minute transcriptions, through Franklin Bruck.

KFWB: Nancy White, 52 quarter-hour programs; Kay's preparations, 156 quarter-hour programs, through Robert Dennis; Sears, Roebuck, 28 spots through The Mayers Co.; Dockweiler for District Attorney, six quarter-hour political talks.

Oct. 19 Compared to Oct. 12

Network	Local	National	Total
Units	Units	Units	Units
11,448	11,128	2,331	24,907
11,212	10,941	2,278	24,431
+2.1%	+1.7%	+2.3%	+1.9%

(Included: KECA, KPFI, KPWB, KHJ, KNX)

Local Units Drop

20% in Des Moines

Des Moines, Oct. 22.

A 20% drop in local biz after the boom of plus 38% last week put the Des Moines total in the red this time. Both web and national spot units, however, registered gains.

Oct. 19 Compared to Oct. 12

Network	Local	National	Total
Units	Units	Units	Units
8,310	3,491	3,227	15,028
8,050	4,404	3,094	15,548
+3.2%	-20.7%	+4.3%	-3.3%

(Included: KRNT, KSD, WRO)

Gillette's Football Games

Gillette Razor has tied up the Sugar Bowl and Orange Bowl football broadcasts this coming New Year's day. The Sugar Bowl event will be carried over the NBC-blue and the Florida game over CBS. NBC-blue will also carry the Rose Bowl classic.

Gillette is also working with Mutual on underwriting the National League football finals.

Detroit Saturated As Season Jells; Local Units Help

Detroit, Oct. 22.

Gains in all categories continue to be recorded here as the full season programs shape up and the leveling off process nears. Many stations report that they are coming close to a saturation point.

With Michigan marked in recent polls as a crux state—the margin between the major parties is believed to be a narrow one here—there is considerable buying of political time, accounting for the greatest leap upward being recorded in local time. Diverse local buying helps the picture, clothing's continuing to be prominent.

WXYZ: Conn Clothes, one hour, Sundays, in addition to regular schedule (the 10 a.m. program, running for 26 weeks, will give 15 minutes each to four swing bands). Hall Bros., 15 minutes of Tony Bonic's National Party, 15 minutes, Monday through Friday, two weeks. Ilginfriz Nurseries, spot announcements, four days weekly, four weeks.

WWJ: Conn Clothes, 15-minute newscast, Sundays, 13 weeks; Moon Brothers Appliances, 15-minute broadcast, Sunday, 13 weeks.

Oct. 19 Compared to Oct. 12

Network	Local	National	Total
Units	Units	Units	Units
8,950	11,407	5,024	25,411
8,810	10,930	4,942	24,682
+1.9%	+4.4%	+1.7%	+2.9%

(Included: CKLW, WJLB, WJR, WMB, WWJ, WXYZ)

Politics Peps Balto.

Baltimore, Oct. 22.

Political usage of time sent both network and local classifications up hereabouts last week with indications pointing to even more action in closing weeks of campaign.

WFBZ started a new participating program this week, titled "Club 1270," tying in with stations niche on 1270 kilocycles. Utilizing large public studio for noontime matinee and throwing in all station talent possibilities via George Van Dorn's studio orchestra, Ray Hall, comic; Gloria Dawn, vocals; The Plainmans, hillbilly combo and George Fuller, as emcee, 40-minute daily show is attracting studio audience and considerable spot participations.

WBAL: High Ice Cream, through Courtland Ferguson, 52 announcements; Vision, Inc. (optometrists), 234 announcements via Katherine Mahool; Borden's Ice Cream (local), 312 spots, through Jacob Moses; S. Needle, furrier, 26 announcements; Bata Shoe Co., three spots; Hub Department Store, three announcements through Louis Schecter; Chesapeake Cadillac Co., six announcements; Lord Baltimore Laundry, 201 spots; Hansewald's Bakery, 600 announcements, all three placed by Brown-Alexander Agency.

Oct. 19 Compared to Oct. 12

Network	Local	National	Total
Units	Units	Units	Units
8,770	4,834	1,940	15,544
8,670	4,738	2,098	15,504
+1.2%	-2%	-7.4%	+0.3%

(Included: WBAL, WCAO, WCBM, WFBZ)

Now Chicago Knows What Time It Is; Sponsors Buy More and More Signals

Chicago, Oct. 22.

Flock of announcements are coming in on all stations, with a particularly big demand for time signals. Stations are giving time announcements to listeners at increasingly frequent intervals in order to satisfy the commercial demands.

WBMM last week signed contracts for time signals with an additional trio of sponsors. Standard Oil of Indiana, through McCann-Erickson, has taken a series of 12 announcements weekly; Roller Derby, through Malcolm Howard, will take a single announcement daily for five weeks; Pure Milk Assn. of Chicago, through Presba, Fellers & Presba, set for four announcements weekly.

Active St. Louis Breweries Continue to Use Radio

St. Louis, Oct. 22.

Columbia Brewing Co., through the Ollan Advertising Agency, has purchased additional time on KMOX and is now bankrolling three programs daily. The new program from 10:30 to 10:45 p.m. uses Ben Field orchestra, the Harmonettes, a girl's warbling trio, and Freddy Begemann, a warbler. The suds makers bankroll a 15 m.m. transcription program each Friday p.m. and the choice 5:45 spot for commercials preceding the daily CBS European roundup.

The Falstaff Brewing Co., the Briesedick Brewing Co., and the Hyde Park Breweries, Inc. all are large time buyers on local stations.

N. Y. NET FINE; NATL. SPOT DITTO

Network units snapped out of last week's lethargy and chalked up a fancy 30% gain for Gotham. Local biz remains on the wrong side of the ledger, but national spot continues to rise.

WHN: Henry Heide, Inc., through Buchanan & Co., Inc., spot announcements, daily except Sunday, 13-week contract, total of 54 station-breaks used weekly; Potter Drug & Chemical Corp. (Cuticura Soap), through Atherton & Currier, Inc., participating announcements, 46-week contract; Glama-Pak Co., through Lynn Baker Advertising Agency, 13-week contract for station-breaks; Committee of Democratic Business Men for Wilkie, through Grady & Wagner Co., 53 station-break announcements; Republican National Committee, through J. Walter Thompson, 36 spot announcements; Windsor Palace of New York City, station-break announcements; Packard Motor Co., through Young & Rubicam, spot announcements, six-day contract.

WMOA: Marlin Firearms, Inc., through Craven & Hendrick, Inc., participating in "Rise and Shine," Republican County Committee, direct, rally from Madison Square Garden, 90-minute program; Dime Savings Bank of Brooklyn, through Austin Advertising Agency, five five-minute periods for 13 weeks; Marks Brothers, through Acorn Agency, nine broadcasts; Martin W. Littleton, direct, political broadcast; Rocky Theatre, through Kayton-Spiro Co., eight announcements; Continental Baking Co., through Bepin & Bowles, 26 announcements.

WNEW: Theobald Industries, Inc., direct, "Start the Day Right," quarter-hour program, three times weekly; Lester Piano Co., through P. R. Menfre, "Kay Reed—At the Piano," quarter-hour program, Monday through Saturday; Box Theatre and/or 20th Century-Fox Film Corp., through Kayton-Spiro Co., eight announcements, three days; Republican National Committee (Wilkie campaign), through J. Walter Thompson Co., 84 announcements.

Oct. 19 Compared to Oct. 12

Network	Local	National	Total
Units	Units	Units	Units
195	11,087	7,857	19,119
150	11,181	7,487	18,818
+30%	-1%	+4.9%	+1.6%

(Included: WHN, WMOA, WNEW, WQXR)

Important National Spot Accounts Placed Last Week

(According to Reports from VARIETY'S 'Radio Market Cities')

Account	Agency	Time Purchases
Balto Dog Food	Dan B. Miner	Participations
Baumengue	Wm. Esty	Weather reports, Announcements
Beaumont Laboratories	H. W. Kastor	Announcements
Beech-Nut Packing	Newell-Emmett	Chain breaks
Blue Ribbon Books	Northwest Adv.	5-Min Spots
Breakfast Club Coffee	Lockwood-Shackelford	1/4 Hours
C. A. Briggs (H-B 'Cough Drops)	Horton-Noyes	Announcements
Dr. Caldwell's Syrup of Peppermint	Sherman & Marquette	Announcements
California Wine Co.	Irvin Myerson	Announcements
Campbell Cereal Co.	H. W. Kastor	Announcements
Chester Cigarettes	Warwick & Legler	Participations
Compagnie Parisienne	Northwest Radio	5-Min Spots
Del Monte Cof.	McCann-Erickson	Participations
DeSoto Motors	J. Stirling Getchell	1-Min. Spots
Duncan Coffee Co.	Steele Adv.	Spots
J. H. Filbert (Oleo margarine and mayonnaise)	Courtland Ferguson	Announcements
Peter Fox Brewing	Schwimmer & Scott	Football review
Gebhardt's Chili Powder	Pitluk Adv.	Announcements
General Mills (Wheaties)	Westco Adv.	1/4 Hours
Grove Laboratories	J. Walter Thompson	Participations
Guaranty Union Life	Stodel Adv.	1/4 Hours
Honor Brand Frozen Foods	Hillman-Shane	Participations
Industrial Training Co.	James R. Lunke	5-Min. Spots
Knox Co. (Cystex)	Allen C. Smith	Newscasts
Lamont, Corliss (Danya Lotion)	J. Walter Thompson	Participations
Lehn & Fink	Wm. Esty	Announcements
Luden's	J. M. Mathes	Chain breaks
McIlhenney Co. (Tobacco Sauce)	Aubrey, Moore & Wallace	Spots
Marlin Firearms (Razor Blades)	Craven & Hendrick	Spots
Maryland Pharmaceutical (Rem & Rel)	Joseph Katz	Spots
Musterole	Erwin, Wasey	5-Min. Spots, Announcements, Weather reports
North American Accident Ins.	Franklin Bruck	1/4-Hour News
Packard Motors	Young & Rubicam	Announcements
Puquin's Hand Cream	Wm. Esty	Announcements
Pinex Co.	Russell M. Seeds	1/4 Hours
Power Seal	Mayers Co.	Participations
Railway Express Agency	Caples Co.	Announcements
Roma Wine	Cesana & Associates	1/4 Hours
Soil-Off Mfg.	Hillman-Shane	Participations
Studebaker Corp.	Roche, Williams & Cunningham	1/4 Hours
Tea Garden Products	Brischard, Davis	Participations
Weston Oil	Fitzgerald Adv.	1/4 Hours
Westinghouse Electric & Mfg.	Fuller & Smith & Ross	10-Min. Spots
White Labs (Chooz)	H. W. Kastor	Spots
Winchager Corp.	E. H. Brown	1/4 Hours

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Emporium-Capwell Co.	San Francisco	Spots
Hochschild-Kohn Dept. Store	Baltimore	Spots
O'Neill's Dept. Store	Baltimore	Spots

SAN ANTONIO OFF IN TWO CATEGORIES

San Antonio, Oct. 22.

Network units maintained a perfect balance here this week despite departure of sports, but both local and national spot showed a loss.

WOAI: W. A. Sheaffer Pen Co., through Russell M. Seeds, three announcements per week for one year; Knowledge Creamery, through Coulter Meulier; Grinstead one announcement per day for one year; Farnsworth Television and Radio Co., through N. W. Ayer, 16 chain-break announcements, Oct. 15 to Oct. 26; Kit Kat Club, one announcement per week, direct; Texas Shade and Blind Co., two announcements per week for 26 weeks, direct; Lever Bros. (Rinsol), through Rubauff & Ryan, transcribed, 30-minute "Big Town" drama starring Edward G. Robinson.

KABC: Announcement for B. Levine Fire Sale, direct; San Antonio Florist Association, announcements; quarter-hour studio program for Plaza Hotel Beauty Shop. Opening of 1941 Theatre season will be carried next week; remote broadcast at local dog show also was carried.

Oct. 19 Compared to Oct. 12

Network	Local	National	Total
Units	Units	Units	Units
6,694	7,997	1,240	15,931
6,691	8,458	1,204	16,459
...	-3.5%	-3.9%	-3.1%

* No change.
(Included: KABC, KMCC, KONO, KTSB, WOAI)

KFRO at Yam Yamboree

Longview, Texas, Oct. 22.

KFRO, here brought to East Texas listeners the Old Fiddlers Contest which was one of the main events of the Yam Yamboree, held at Gilmer, Texas before 5,000 spectators.

Salt Lake City Web-Local Units Fine; Spot Off

Salt Lake City, Oct. 22.

Business in Salt Lake continues to hold its own and even show a slight gain over the preceding weeks. All stations are carrying a heavy political schedule, both national and local. KSL, noticed particularly an upsurge on local business, partly due, they feel, to promotional activity on recent sponsored programs. Two prominent window displays have been set up on Salt Lake's principal business thoroughfare.

KDYL: Musterole, through Erwin, Wasey & Co., 130 announcements; duPont (Zerex), through BBD & O, 10 tie-ins for "Cavalade of America"; Baume Bengue, through Wm. Esty & Co., 250 announcements; Lake Theatre, 52 50-word announcements; Grace Hawk Shop, 26 100-word announcements; Madison's Quality Mink Farm, 13 100-word announcements; Hotel Newhouse, 26 50-word announcements; Highland Theatre, 20 tie-in announcements; Paramount Photo Studio, 13 participations on "Inquiring Reporter"; Pilot Cafe, 13 50-word spots.

KSL: Morning Milk Co., 100 quarter-hour shows; Mountain States Telephone Co., one-minute spot announcements, 26 times; American Railway Express, through Caples Co., 35 one-minute spots; Sheaffer Pen Co., through Russell M. Seeds Co., 260 50-word announcements; Rancho Soups, through Lord & Thomas, one-minute spot announcements, 65 times.

Oct. 19 Compared to Oct. 12

Network	Local	National	Total
Units	Units	Units	Units
7,954	2,644	603	11,201
7,651	2,547	617	10,815
+4%	+3.8%	-2.3%	+3.5%

(Included: KDYL, KSL, KUTA)

DEPT. STORES NOW CORDIAL

NO LONGER ARE 'MISSING BIZ'

Evidence is accumulating, and fairly rapidly, that the local department store, as such, is giving in to radio solicitation. It is believed that this represents a victory not so much for persistence on the part of radio salesmen as recent improvement in the 'approach' to the merchants and a recognition that radio must confine itself to plausible and limited claims. Not to supplant but to supplement newspaper copy is the obviously intelligent line of the home town broadcaster to follow.

During the past year *Variety* has played a conspicuous part in furthering the strategy against the hard-boiled department stores. Starting as far back as 1938 this publication riveted trade attention on the subject through a series of special articles in its 'Bureau of Missing Business.' Innumerable requests for reprints of various *Variety* were evidence of the great interest in department stores taken by radio stations. Dozens of quotations have followed various *Variety* articles, notably in January with *Variety's* exclusive report in detail of a national Retail Drygoods Assn. Symposium on the subject and later, in July, with an original bit of research conducted by *Variety* at its own expense and designed to help organize and support local solicitation.

It will be noted that in the last several weeks these radio markets reports have listed a dozen-odd local department stores now doing business with stations. This is highly significant. The ice jam seems to have finally been successfully dynamited and the department store contracts are threatening to come in like a spring freshet. The 'Bureau of Missing Business' is happy in the conviction of having helped a once downhearted radio team to score impressive yardage against a tough team.

Actually, however, it is worth recalling that department stores while radio holdouts for the past decade were among the very first to use radio advertising back in the early twenties. It seems fairly clear that over-claiming and under-thinking lost them to the medium and that under-claiming and smart-thinking now are bringing them back.

'Pointing with Pride'

Perhaps *Variety* will be excused for quoting some letters from broadcasters during 1940 that suggest the imagination-challenging, action-bestirring nature of the various articles on the subject carried by this paper. For example:

Gene Moser, salesman, KCR, Enid, Okla. (Feb. 26, 1940)—'Your article on department stores and radio has been of considerable value to us in selling our local department store merchants... may we congratulate you again...'

Bob MacKenzie, manager, WCM, Ashland, Ky. (March 3, 1940)—'I need four copies of your Jan. 24th issue with the story on 'Department Stores and Radio'... let me congratulate you for the contributions of *Variety* to the merchandising side of radio. It is a service which the industry has felt a sore need of.'

R. L. Zealy, commercial manager, WGBR, Goldsboro, N. Car. (March 20, 1940)—'We would like very much to have four reprints of that article which appeared on page 30 of the Jan. 24th issue.'

E. M. Foote, Harold Chamberlin Associates, St. Paul (March 14, 1940)—'We would like reprints of your 'Department Stores and Radio'.'

J. E. Healy, commercial manager, KTAZ, Phoenix, Ariz. (March 14, 1940)—'Please send us ten reprints of your article on department stores and radio.'

C. E. Campeau, managing director, KJLW, Windsor-Detroit (March 12, 1940)—'May I please have another copy of the Jan. 24th issue about the department store story.'

Harold Thomas, owner, WISE, Asheville, N. Car. (March 9, 1940)—

ADDED STARTERS

'I Want a Divorce' Sets Local Tie-In Sponsorships

New sponsors for 'I Want a Divorce,' co-operative dramatic show over Mutual, include Sheffield cheese (WGN, Chicago), Holmes bakery (WOL, Washington), Vess beverages (KWK, St. Louis), Acme brewing (KGMB, Honolulu), Warrens, Inc. (KVOX, Fargo, N. D.; WLOL, Minneapolis-St. Paul; KATE, Albert Lea, Minn.; KWNW, Winona, Minn.; KGDE, Fergus Falls, Minn.).

C. F. Mueller macaroni is bankrolling it over WOR, New York.

FOOTBALL BIG STUFF THIS YR. IN DETROIT

Detroit, Oct. 22.

The Automobile Club of Michigan has sliced itself a double portion of football airing and, at this point in mid-season, looks like it might come up with two of the country's undefeated teams. With plenty of sponsorship for football in these parts, the Automobile Club, largest in the country and selling its membership and insurance via ethering, reached into the grab bag and came up with University of Michigan and University of Detroit, both of which have started to roll up impressive records and pile up an extensive following.

In these parts, there are four major teams with air sponsors and four stations whacking up the broadcasts. Ford Motor Dealers picked the local pro team, the Detroit Lions, which Harry Wismer follows over WJR. So far the team hasn't been too hot. The Oldsmobile dealers are backing the airing of the Michigan State College games coming over WKAR, the college station, in Lansing. This team also has taken it on the chin, including a defeat by U. of M.

But both of the Auto Club's teams, with backs who are getting early nomination for All-American honors, have been rolling along with a series of wins and a good chance of coming through undefeated. This has meant an impressive following for both here. City rated as close to the top in sports interest. Auto Club's U. of D. broadcast goes through WMBZ which also picks up an added sponsor in Schmidt Brewing buying of pre-game nif-naw. It's U. of M. games are aired via WWJ which also gets extra football buying with Harry Sufferin, clothiers, sponsoring a half-hour program of 'Fanfare,' mingling of music and sports, just before the game hits the ether. WJR also carries U. of M. games, unsponsored, but with half-hour pre-game program by Gately's department store.

But in picking off two of those rare things these football days—undefeated teams—the Auto Club has pulled a trick any sponsor would be glad to achieve once.

Ct. Interpreter on WBBC

Curtis Adler, official interpreter of the surrogate's Court, Brooklyn, N. Y., has a program entitled 'What's In A Name' every Tuesday morning at 8:45 a.m. on WBBC, Brooklyn.

It's concerned with origins of people's names.

'Please send us two more copies of the department store issue.'

Ronald P. Taylor, Smith, Hoffman & Smith agency, Pittsburgh (March 9, 1940)—'We wonder if you will be good enough to send us some reprints or tear sheets of this article which will have application to several of our accounts.'

Walter J. Rothchild, commercial manager, WFLD, Quincy, Ill. (July 8, 1940)—'Congratulations on your department store tests on page 39... would it be possible to obtain ten additional copies? We will appreciate it very much.'

FRISCO SPOT UP 9%, LOCAL UNITS OK

San Francisco, Oct. 22. Novel 52-week program arranged by the Frisco Spot Exchange with a new sponsor every week, inaugurated on KPO Friday (18) with party in offices of Al Nelson, NBC chieftain, attended by bigwigs from financial district, corporation heads, agency reps, etc.

Initial spot sponsored by Union Oil, with Pacific Lighting Corp. next on list. Entitled 'This Enterprising West,' series tells history of sponsoring company, tale being narrated by John B. Hughes backed by dramatic cast and ork. Different agency likewise figures in picture each week. Actually, each show is a one-timer for the sponsor but grouping in series gives continuity.

KROW capitalized on football, selling 30-minute score-card to an Oakland cocktail lounge at 5 p.m. Saturdays. Hook is sponsor's offer to supply further scores by phone after program ends. Same station also has signed McCauley's, swank men's shop, for half-hour Friday night gridcast from Claremont Hotel, U. C. collegiate hangout, with Phil Ray doing pizkin quiz from dance floor, plus interviews with grid heroes.

Prestige show inaugurated by KYA is cashing in on listener-interest in heavily publicized opera season. Regular 11 a.m. to noon concert hour has been turned over to music from opera, and extra 15 minutes tacked on ahead during which Al Zito interviews opera personalities. Airs six days weekly with free tickets for best answer to query. What does opera mean to you? Mail-draw will be used as sales argument.

KPO: 'This Enterprising West,' new sponsor and agency weekly, 52 weeks; Standard Oil of California, through McCann-Erickson, 154 time signals; Beaumont Laboratories of St. Louis (4-Way Cold Tablets), through H. W. Kestor & Sons, Chicago, 100 spots; Lever Bros. (Rinso), through Ruthrauff & Ryan, half-hour weekly, 52 weeks; 'Our Town,' Denalan Co. (dental products), through Rufus Rhodes, 13 Sunday spots; Lena & Fink (Hind cream), through William Esty, 70 spots; Pilsco Co. (cough syrup), through Lake-Spiro-Sherman, Memphis, 17 spots; Challenge Creamery, through Brischner, Davis, half-hour weekly, 52 weeks (renewal); 'American Challenge.'

KGO: Stoneson Co. builders, through F. L. Newton, 26 Sunday spots; E. Fougere & Co. (Vapex), through Small & Seiffer, New York, 39 spots; Catspaw Rubber Co. (heels), through S. A. Levyne, Baltimore, 10 spots.

KFRC: Thompson & Holmes, for Philco Radios, through John B. Parsons agency, 60 spots; Gardner Nursery Co., through Northwest Radio Advertising, six 5-minute spots; Southern Pacific Co., through Lord & Thomas, five one-minute spots.

KROW: Drs. A. R. Reinke and A. Sutton Nichols, optometrists, direct, quarter-hour weekly, 'Earning to Live'; McCauley's men's shop direct, half-hour weekly; 'Football Frolic'; Tiny Heller, cocktail lounge, direct, half-hour weekly; 'Football Scores.'

Oct. 19 Compared to Oct. 12				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
11,080	4,096	2,132	17,308	
10,760	3,857	1,962	16,579	
+3%	+6.2%	+8.7%	+4.0%	
(Included: KFR, KGO, KJRN, KPO, KRFQ)				

Takes All R. T. Mason's Time

Mario, O., Oct. 22.

Robert T. Mason is now devoting full time to job of president and general manager of the Marion Broadcasting Co. which holds a construction permit from the Federal Communications Commission for a new 250-watt station which plans to begin broadcasting about Dec. 1. Mason resigned from the circulation administrative staff of 'News-week' because of the press of his radio duties.

UNTIL CONCEDED

Sponsored Election Returns Start At 9:45 P. M. On WFIL

Philadelphia, Oct. 22. Ford Motor Co., dealers of Philly and vicinity, will bankroll the broadcast of election returns over WFIL. The deal was set Saturday through the McCann-Erickson agency.

Returns will be aired from 9:45 P. M. until either side concedes. Direct lines will be run from the Democratic and G.O.P. headquarters here, the International News office and the city room of the Philly Record, supplemented by man-on-the-street broadcasts.

SENSATION CIGS IN 30 OR MORE MARKETS

Lorillard has stepped out with another substantial spot campaign, this time with its Sensation cig brand. Account is figuring on using 30 to 35 markets and the task of lining up stations and programs is now in the hands of the Lennen & Mitchell agency.

Some of the business will go local live programs, but most of the placements will probably be transcriptions, as happened in the recent case of the Old Gold campaign. Transamerican has auditioned a prospective program for the account and if this one is accepted the schedule of discs will be on the basis of two 15-minute a week.

DENVER CHIRPING

KFEL Lands Am. Bird Prods.—KOA Gets Ford Football

Denver, Oct. 22. KFEL copped the big sale of the week with 156 quarter-hours to the American Bird Products, Inc.; KOA sold three football games to Radio Bred and 72 half-hours to Rainbo Bread.

KFEL: American Bird Products, through Weston-Barnett agency, 156 quarter hours, three a week, one year; Paper Pastry Place, four 10-minute programs, one a week; announcements for L. Muller's Band-box Cleaners and Dyers, Wells, Littlefield Co. & A. Coal Co., Brown Battery and Electric Co., Geo. A. Beverly Grocery, A. J. Cleaners, B. & D. Market, Consumers Fuel Co., Tommy Thomas Service Station and Burns Motor Co.

KOA: Rainbo Bread Co., 72 half-hour, daily except Sunday; Denver Ford Dealers, through McCann-Erickson, three football games; May Co., through Tagro agency, two quarter hours; Daniels & Fishers Stores Co., 10 announcements; Altrusa Club, through Alberta Pike, 12 spots; Denver Auto Show, six spots; Mountain States Tel. & Tel. Co., 25 announcements; Standard Oil Co. of Indiana, through McCann-Erickson, 26 announcements; Amter's Store, through Raymond Keane, three spots; Ford Motor Co., through McCann-Erickson, seven spots; Mantle Lamp Co., through Presba, Fellers & Presba, 13 quarter-hour transcriptions; 'Smilin' Ed McConnell.'

KL: Republican State Central Committee, through Ball & Davidson, five quarter hours; Vick Commercial Co., through Morse International, 48 announcements; Democratic State Central Committee, through Conner agency, three quarter hours; H. A. Thompson, Trustee, through Cusack agency, four spots; Purity Creamery, 13 announcements; May Co., one spot; Musterole Co., through Erwin, Wasey, announcements; W. A. Shaeffer Pen Co., through Russell Seeds, 260 announcements.

Oct. 19 Compared to Oct. 12				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
8,285	5,381	1,718	15,484	
8,140	4,409	1,557	14,106	
+3%	+22%	+10.3%	+9.8%	
(Included: KFEL, KJL, KOA, KVOD)				

CARSON, PIRIE CO. CASE IN POINT

Chicago, Oct. 22. The Carson Pirie Scott department store is possibly making local and perhaps industry-wide history with a new program called 'The Wishing Well' (see radio reviews this issue) which is heard three times a week at 9 a.m. over WGN. What makes the program significant is that it has all the 'hooks' so dear to merchandizers. It's a direct hit technique with the housewives as target. There is also a spectacular idea calculated to inspire word-of-mouth comment, a valuable consideration to a department store. Finally the show is inexpensive having a minimum outlay for talent. Its example and its success (presumed) will no doubt have a national influence and is sure to be discussed wherever drygoods retailers foregather.

Characteristic

That Slack-Goble would choose a semi give-away series for Carson, Pirie Scott is directly in line with this agency's major radio performance during the past year. During this interval S-G has produced four audience participation and give-away stanzas, which (percentage-wise) just about makes it tops in the quiz-contest line. These network shows were: Pot o' Gold (for Tums); What Would You Have Done? (for Energine); Battle of the Sexes (for Mollie); and Spelling Bee (also for Energine).

It's interesting to note how the one outright give-away program among these four—that is, Pot o' Gold—fared by income groups. Taking the annual C. A. ratings and calling the classes Gold (average 100), then stanza would be assigned an index number of 97 for the upper income groups, 112 for the middle income groups, and 96 for the lower income levels. Granting that the C. A. B. must have had much difficulty rating this show (because no telephone-order could win a prize), nevertheless it's noteworthy that percentage-wise the high income levels were just as interested in the stanza as the low income levels. The middle class, meantime, showed the greatest interest of all.

Perhaps, figuring on this basis, S-G has the idea that a give-away is swell for a department store. If the Pot o' Gold income pattern can be repeated, then Carson, Pirie Scott would get about equal interest among the high income groups and the low income groups. And the great middle class would show a heated draw of all. Maybe that's about what Carson, Pirie Scott wants.

At any rate, the stanza is noteworthy in that it incorporates at least some kind of mental strategy on the part of the store and its agency. It will undoubtedly be followed with avid interest by broadcasters eager to get at department store appropriations.

SEATTLE'S BRISK BIZ ENLARGES PAYROLLS

Seattle, Oct. 22. Local biz continues the upbeat here, with stations taking on new personnel to handle accounts.

Oct. 19 Compared to Oct. 12				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
5,610	10,497	760	16,867	
5,330	10,414	738	16,482	
+5.3%	+0.8%	+3%	+2.3%	
(Included: KIRO, KOL, KRSC)				

WTMJ Readies Boost

Milwaukee, Oct. 22.

WTMJ has received official permission from the Federal Communications Commission to make changes in its equipment enabling the station to increase its nighttime power to 3,000 watts. Some 15 additional acres just south of the present transmitter site have been purchased to provide room for the expansion, which necessitates two additional 400-foot towers for new directional antennas.

Work already is under way.

Band Reviews

TOMMY REYNOLDS ORCH (14)

Paramount Theatre, N. Y.
Just out of an all summer stand at Playland Casino, Rye Beach, N. Y., Tommy Reynolds' crew was shown in this date last night. The cause of its price is lower than the theatre's usual allotment for musical names; which even up the overall budget with Frances Langford and Jon Hall on the bill. At any rate Reynolds' crew hasn't much right to a shot at the deluxe house on the strength of its showing, matter what it's paid.

A clarinet playing leader, Reynolds is probably trying to emulate Artie Shaw. He fails for many reasons, the best of which is the fact that his playing itself is no better, and at times poorer than average. The band behind him is in the same category. It has little musicianship is comparatively low and there isn't one tune that the band plays which manages to arouse any sort of reaction. Not even its midway arrangement of 'Prisoner's Song' which apparently is meant to be the top writing of the layout. 'Prisoner's Song' is a shade better. Band's solo men, a trumpet, sax, and drummer would be better if left in the ensemble.

Backing the various turns on this bill, however, the band's work is in slightly a better light. It calls for softer stuff, of course, and shows the group as being flexible enough for both extremes of tempo.

Ralph Young, notable singer, is given one chance. Possessor of a smooth and likable voice he goes over easily with 'Call of the Canyon'. He's backed by the five-man brass team, which adds up to four sax, four rhythm, five brass split three trumpets, two trombones, decked out with phosphorescent gloves and mutes for nice production try. Wood.

TEDDY KING ORCHESTRA (13)

With Trudy Gorman
Yacht Club, Pittsburgh

Teddy King was a stage band maestro and m.c. during the lush days of Public units. Showmanship a guy had to display in those days, now serving him in good stead as a bantooner for dandification. He has a good enough group for any and every purpose, including top floor show and party entertainment, but it's King himself who lends the real flash to the outfit.

He's a little jumping-jack who seems to be on strings and has exactly the right kind of enthusiasm for the hot spots. He and his baton are all over the stand and King jumps from platform to the top of the baby-grand piano for a smattering of showmanship, effective and the customers like it. Doubly so when the music is grooved, too.

Besides King, who can do a satisfactory turn on either sax or fiddle, and his vocalist, an eye-filling femme named Trudy Gorman, set-up has four brass, four reeds, piano, drums and bass. Band has no particular style, but gets off its best licks on the hot medium. Can go sweet, too, but their hearts don't seem to be in it. Cohen.

EDDIE YOUNG ORCHESTRA

With Florence Davis
Southern Mansion, Kansas City

The band which has held the stand at this dance and dine spot through the late summer and early fall is a group of Rocky Mountain youngsters. A few a newcomer to the regular hotel and club routes, it's been under the banner of Frederick Brothers less than a year. Began at Denver University, but entire group left school when the leader and two mates received their sheepskins in 1939. Although the outfit has been intact for three years, no member is over 24 years of age.

Accordingly the music offered is spirited and youthful and there is a freshness in the work throughout. Band is built along tenor lines and makes no effort to offer any more than good dance music. Young has his book well assorted with special novelties, variety of rhythms and depends mostly on the currently popular tunes.

Any emphasis other than on regular tunes is on the novelty material as the leader has his crew worked into a glee club, and can call on a male trio, girl and boy featured singers besides himself for vocal work. Leader is a personable type and obliges with versions of the band's large share of the singing is handled by Florence Davis, a titan, who exemplifies the freshness of the orchestra and whose vocal style is more than adequate. Benny Keller of the cornet section also works on an occasional vocal.

Personnel includes Herb Schumann at the piano and alternating on the Kramish. L. L. Boven and Chet Peterson on the reeds, largely saxes, Bill Frary using both string bass and tuba, Walt Kirkendall and Keeler on cornets and George Young on drums. Young can take his turn at the piano on occasion. The orchestrations are

written by Schumann and Kramish, and book is set so that Young may add a fiddle trio sometime in the near future.

Date here followed a long stand at the Buena Vista hotel in Bixby, Mississippi, and early in November band will move into the Lowry in St. Paul. Quinn.

EMMETT RYDER'S ORCH (13)

Turnpike Casino, Lincoln, Neb.
Emmett Ryder is a trombone front of a band which bears the mark of Glenn Miller in more ways than one. When choosing to sizzle, the swinging style is similar, and when choosing a place to start, the orchestra got under way in the Canyon Night Club, a Boulder, Colo., after-darkery where Glenn Miller did his musical teaching. Until recently, the men were in college, and they still have the joe look.

Ensemble has a lot of instrumental color—able to spread the men around to blow eighth, brass, or a similar number of saxes. Two men double fiddle. The guitar man plays a harp, and the piano man is able on vibes. When there are serious doubts, there are three saxes (four in Ryder), five saxes, and four rhythm.

Arrangers not only provide some supplementing of regulation scores, but have a few originals. The boys, Bill Turnbull and Dale Sloan, are the jive side and cater to it most of the time. Dixon Benster, trombonist, also assists them, being the only arranger of the three who works in the band.

Song department is certainly one of utility, all men being able to knock out a fair rendition. Bob Hannan, pianist, goes for the sell-out kind; Dominic Casario for the comedy, with Gene Schaeffer and Garth Hite doing them straight; and the others fill in the glee club sessions. Hite, Schaeffer and Casario are sax men, with Walter Garrison and Eugene Hughes, Gordon Hungerford and Irwin Diaz (doubles fiddle) are the trumpets. Ed Thompson flits from guitar to harp, Howard Walters is the bass, and Dave Parsons, drums.

Musically, the band is on the way, but in the entertainment sector there's need of considerable work. The comedy stuff falls flat at times, and one of the boys picks a bad number or two of big league performers to imitate, one especially being a spoof on Ronny Kemper's murder of Cecilia.

A ballroom type, as shown here, too much volume for most boxed up clubs, or rooms. Art.

DUSTY ROADES ORCHESTRA

With Helen Nash
Hotel Muehlebach, Kansas City

An old standby hereabouts Dusty Roades is playing a fortnight in the Terrace Grill after a summer at the Antlers hotel in Colorado Springs the last date at that place. As has long been his policy Roades specializes in hotel and club music and is better situated here in the Grill than he was on the stage at the Tower. Crew consists of a sweet swinging outfit, but carries wide flexibility in its instrumentation. Eleven men are usually figured in a four-sax, two brass, two-fiddle and three-rhythm grouping, but a count shows 22 different instruments are toted. This leader has a fiddle quartet at his call, and can also use a five-piece sax section. Besides the individual specialties, among other harmonica by John Cassella, drummer.

Portfolio of the band is assembled by a battery of four arrangers, Bill Muehlebach, Ben Gerut of the sax section, Bobby Bauer, pianist, and Jess Gonzales, trumpet. The saxes are completed by Emory Hammer and Tom Malder and brass with Kenny Switzer at the trumpet when he is not vocalizing. Frank Borgognone and Vince Micari make a fiddle duo, and rhythm includes Howard Marx at the string bass in addition to Cassella and Bauer.

This band is long on novelty bits as Roades not only uses them in special arrangements, but takes a frequent liking at writing them. At the time he takes his own turn at vocalizing, but the main work in this department is done by Helen Nash, a sweet type singer, who also fulfills on looks.

After a two-week stand here the Roades men play a few one-nighters in the area before taking a club stand in Wichita. Quinn.

Don Bestor to Glaser

Don Bestor bought his release from a Consolidated Radio Artists booking contract last week for a sum approximating \$350. He's now being managed by Joe Glaser, who recently secured Les Brown's out from the same agency. Bestor's band goes into the Arcadia Ballroom, New York, today (Wednesday).

Several years ago Bestor resorted to legal proceedings to get him out of a CRA agreement, but CRA eventually won out and forced him to fulfill the contract between them.

ARREST SONGLEGGERS

Police Nab Two Copyright Violators in Rochester

Rochester, N. Y., Oct. 22. Police swooped down on newsstands selling bootleg songbooks last week and arrested two dealers, James Conti and Israel Schwartz.

Both will be tried under the provision of the state's penal code which deals with the contraband of copyrighted and patented articles. The police acted after evidence had been gathered by Arthur Hoffman, chief investigator for the Music Publishers Protective Association.

Hoffman stated that after the criminal cases have been passed on by the local court there would be civil suits brought against the same dealers. Similar action, he said, is slated against local drugstores, which Hoffman charged were flagrant in their practice of selling the illegal sheets from under the counter.

DAVILLA'S \$1,000,000 ACTION THROWN OUT

John Joseph Davilla's \$1,000,000 suit against Sigmund Romberg, Otto Harbach, Oscar Hammerstein II, Warner Bros. Pictures, Inc., Vitaphone Corp., Vitaphone Corp., NBC, CBS, Bamberger Broadcasting Corp., American Record Corp., Columbia Phonograph Co., Harms, W.B.O. Broadcasting Co., Knickerbocker Broadcasting, et al., was dismissed yesterday (Tues.) by Judge Samuel Mandelbaum in N. Y. federal court. Action had been on trial a week.

Suit charged the plagiarism of plaintiff's song written in 1918, entitled 'If I Were a Spade', and 'You Were My Fly' in 'The Desert Song'. An injunction and \$250 damages for each public performance had been asked.

GEORGE JARRETT KILLED

Had Flown To Fond du Lac To Register For Draft

Sheboygan, Wis., Oct. 22. George Jarrett, 27, a Chicago orchestra leader known as George Jarrett, whose band has been playing at the Foeste hotel here for the last month, was killed in an airplane crash Wednesday (16) just after leaving the Fond du Lac, Wis., municipal airport to return here for this evening's show. He was flying with Guido Zerk, 24, a local pilot, who also was killed.

Pair had flown to Fond du Lac to register for the draft and were identified by their registration cards, just received.

Killed While Reporting

Sidney Jackson, 17, professional count man with Green Bros. & Knight music publishing firm, died Thursday (17) at the Kings County hospital, Brooklyn, N. Y., from injuries he sustained when struck by an auto at Floyd Bennett field on Oct. 11. A member of the naval reserve, Jackson was reporting for service with the U. S. Naval Air Force at the time of the accident.

Born in New York, the son of Harry Jackson, an old-time burlesque performer, young Jackson was also an actor and had appeared in several films.

Music Notes

Mills Music, Inc., has assigned the Canadian agencies for two British numbers, 'Lords of the Air' and 'We Must All Stick Together.' The first has gone to Canadian Music Sales, and the latter to the Gordon Thompson Music Co.

Plymouth Music Co., Inc., New York, has changed its name to Knickerbocker Music Publishing Co., Inc.

George Bassman, currently scoring 'Hullabaloo' at Metro, assigned to 'Little Nelly Kelly'.

Danielle Amfiteatral doing additional music for Metro's 'The Stars Look Down'.

Bob Crosby and Roscoe Hillman collaborated on song, 'You're Double Lovely,' accepted by Broadcast Music, Inc.

Dmitri Tiomkin doing the musical score for Frank Capra's 'Meet John Doe' at Warners.

Joe Santy now professional manager for Loeb-Lissauer, Inc., in New York.

ASCAP Publicity Too Wordy

Flood of publicity that's been coming out of the American Society of Composers, Authors and Publishers during recent weeks has begun to arouse the misgivings of the membership itself. With two separate publicity setups in operation, the stuff pours out in huge wordy chunks. Some of the pieces run to 8,000 words of closely spaced mimeographing, with the writer apparently having given the least thought to the probability that it will be read and digested.

Case in point occurred the past week. In a single envelope, sent out to 75,000 persons there was a four-page letter, cutaway addressed to the ASCAP membership and reviewing the situation as regards Broadcast Music, Inc., an 11-page letter to radio advertisers and a 12-page mimeographed report of the Federal Communication Commission's findings on 'arbitrary and inequitable practices on the part of networks in their contracts with affiliates.'

Disc Reviews

(Only the unusual reviewed henceforth. Including the unusually bad.)

Johnny Long 'Old Shanty Town'—'Swing Me Back' (Decca 3409)

These two sides stamp the Long band as a group that has come far in the past months. Outfit turns in a very likable job on the first standard. It's well played and backed by an original band chorus lyric that gives the tune a neat twist. Arrangement hews to the melody almost all through. Takes a few liberties, however, that serve to brighten the interpretation. 'Swing Me' also shows the band in a good light. Spins at a comfortable tempo with a clear and clicky Helen Young vocal.

Woody Herman 'Wouldn't Take Million'—'Looking Yesterday' (Decca 3397)

First seems in danger of falling flat due to the curtailed tempo, but as it spins it reveals a lean punch. Early instrumental blend and underlying rhythm give it a smooth, likable quality. Nice piano break precedes the Herman vocal, which isn't too clearly enunciated. Reverse, in the same vein, is also good. Another leader vocal is split by a brisk sax solo. Both are well-handled ballads, a type of song with which the Herman crew of a year ago was unfamiliar.

John Kirby 'Street in Singapore'—'Zooming at Zombie' (Okeh 5761)

One of the most consistent combinations, the Kirby sextette comes up with another fine pair of sides here. 'Singapore' is a colorful bit, properly far east in style and split by a mildly jumping interlude that leaves room for a slick piano break. 'Zombie' is probably based on the band's recent location in New York. It's a speedy tempoed arrangement and makes the bunch sound fuller than it is; breaks are frequent.

Count Basie 'It's Torture'—'I Want a Little Girl' (Okeh 5773)

Helen Humes' vocal on the first rescues this record from a below par classification. Her slow-paced lyricizing impresses as attractive and seems better with repeat playings. It occupies about the entire side. Reverse, however, manages to arouse little reaction. Its arrangement has few of the usual Basie qualities. There's two short leader piano breaks. Jimmy Rushing vocals.

Jack Leonard 'If I Had You'—'Could Make You Care' (Okeh 5777)

Leonard, last with Tommy Dorsey, has turned out as a solid seller in solo. His handling of the first standard here contains plenty of the appeal that got him favor. It's a clear, warm interpretation of an appealing tune. He sharpens it with Leonard style stuff. Pop coupling is equally well done.

Raymond Scott 'Million Dreams Ago'—'In a Moonbeam' (Columbia 35698)

Both sides are rather unimpressive turnouts for Scott. 'Million' arrangement contains little of the color and pep to be found in other of his songs and is lifeless in comparison. Ray Wynn's vocal is well voiced, but much overdone, and a usual Wynn fault. Reverse is in the same boat. Arrangement, before and after the lyric, while of neat instrumental blend, hasn't any punch whatsoever. Both sides give the impression they were worked up, backing for the singer. They should be under her name.

Jimmie Lunceford 'Favanne'—'Minnie Moocher's Dead' (Columbia 35700)

Lunceford rates a nod for his version of the Morton Gould classic. It's a well played, embroidered arrangement that packs a solid punch. All sections of the band, in ensemble and breaks, fill out a smart side. Backing is a straight five piece vocalled a major part of the way by the Dandridge Sisters. It's so-so. Band gets little chance and the singers alone aren't strong enough to carry the whole thing.

Will Bradley 'Down the Road'—'Celery Stalks at Midnight' (Col-25707)

'Down the Road' is trading on the Bradley band's preceding click boogie wogie cutting. 'Beat Me Dadd' is a little too plain. There's little to it. In the same tempo the side can boast nothing but long and solid piano pounding by Freddie Slack. Ray McKinley and Bradley vocal, the two accompanied only by bass and piano, and a celest played by Slack, full band not being used. Reverse, however, is one of the strongest sides the band has cut in straight tempo, though a bit repetitious. It swings at a solid jump pace and is an exceptionally clear recording job. Arrangement calls for and gets strong ensemble and leaves room for many breaks. McKinley's drums are like concrete.

Bunny Berigan 'Ain't She Sweet'—'Ay Ay Ay' (Victor 26753)

Apparently cut when Berigan had the first of his own bands a year or more ago, these two sides stack up okay. Band and the leader's muted trumpet, on 'Sweet,' combine to nice effect. Side bounces yet stays in the melodic groove. Piano breaks it late. Coupling is in same tempo and played almost in the same manner, trumpeting is clear instead of muted. Sax and a short drum solo are also prescribed.

Tommy Dorsey 'Shadows in Sand'—'Breaking My Heart' (Victor 26761)

Clever lyrics of a comparatively simple melody stand out of the first side. Sun's the Sinatra they command attention. Tune is by Will Grosz and Stanley Adams. Dorsey gets good treatment by the band and Dorsey's trombone in addition to the vocal. It's at easy speed. Leader's muted horn and another Sinatra vocal carry most of the coupling. It's okay.

Artie Shaw 'If It's You'—'Old Castle'—'Scotland' (Victor 26770)

Shaw turns in a pair of satisfying pieces on these two sides. First is better, combining his smooth and click clarinetting, fiddles, saxes and an Anita Boyer vocal for neat sumup. At even tempo, it rolls easily. Reverse is an okay arrangement of a curious tune played in the same style. Miss Boyer vocals again.

Glenn Miller 'Beat Me Daddy'—'Falling Leaves' (Bluebird 10876)

Comparison with Will Bradley's version of 'Beat Me' is inevitable for any succeeding arrangement. Miller's method of handling, on one side instead of two, is far short. It fails to corral much of the punch and hop of Bradley's cutting though, of course, it's differently done. This one's at a slower tempo. Jack Lathrop vocals. 'Falling Leaves,' better, in the usual Miller style of sax and clarinet blending and alternately cupped and clear brass. Sax is only ensemble breaker.

Mitchell Ayres 'Just Wanna Play'—'Tommy Goes Too' (Bluebird 10884)

'Just Wanna Play With You' has a lot in common in lyric, melody and style of presentation with the 'Playmates' of a few months ago. It's too close to gain much attention. Ayres band handles it neatly enough, using a vocal by Tommy Taylor, Gee Gee and a backing band chorus. 'Tommy Goes' is in a similar vein. It's well played. Mary Ann Mercer vocals.

Brazil and Mexico Contracts May Soon Be Negotiated by ASCAP

American Society of Composers, Authors and Publishers is taking two steps to improve its Latin-American relations. One move concerns the signing of a revised contract with the Brazilian performing rights society, and the other has to do with a prospective alliance with a Mexican composers and authors group.

Dr. Gaba DeSilva, a director of the Brazilian society, recently visited the American Society and discussed the advisability of revamping the contract his organization has with ASCAP. The changes he sought have been turned over to ASCAP's lawyers and the indications are that signatures on the new contract will be exchanged around the end of this month.

Representatives of a Mexican writers society are also seeking an affiliation with ASCAP. These reps were informed last week that before ASCAP can work out an agreement with them it must find out what sort of a setup they have in Mexico; whether it is a co-operative project controlled by the writers themselves and not promoted by the users of music.

EXAMINE ASCAP, MPPA REPS BEFORE TRIAL

The Music Publishers Protective Assn. through Harry Fox, its general manager, will be examined before trial tomorrow (24) in the N. Y. federal court, and the American Society of Composers, Authors, and Publishers, through Herman Greenberg, assistant general manager, on Oct. 29 in connection with Frank J. Palma, Jr., and Stanley Warner's suit against Sam Fox and Harry Fox, doing business as the Sam Fox Publishing Co. Action claims breach of contract and seeks \$100,000 damages.

Prior to 1928 the plaintiffs had a music publishing business in Chicago. They sold out to the defendants but it is alleged the defendants failed to carry out the agreement, by refusing to pay \$40,000 in royalties due the plaintiff on film, foreign, phonograph, and radio, owed \$5,000 on publishers royalties, failed to pay authors and composers royalties, refused to account or itemize payments due the plaintiff, and refused to maintain a general catalogue of all the assigned musical compositions as well as alleged failure to exploit these compositions. Besides \$100,000 damages, rescinding of the contract is asked.

'Smile Again' Infringement Suit by Betty Tiltolton

Betty Tiltolton, composer, filed suit Wednesday (16) in N. Y. federal court against Ruth Lowe, Sam Music Co., Inc. and the American Society of Composers, Authors and Publishers seeking damages for alleged infringement.

Plaintiff asserts that prior to August, 1939, she composed a song entitled 'You Made Me Sing Again' which, she says, was plagiarized in the defendants' song, 'I'll Never Smile Again'. An injunction, accounting of profits and damages are sought.

Vogel Sues Remick

Jerry Vogel has started suit against Remick Music Corp., part of the Warner Bros. group, in the N. Y. supreme court in connection with a license to publish issued by WB to Santly-Joy-Select. The tunes involved in the litigation are 'Playmates' and 'Sweet Lola' and what Vogel is seeking is an accounting of payments made to Remick by Santly.

Controversy dates back to several months ago when S-J-S discovered that the melody of 'Playmates' was pretty much like 'Lola'. On the latter song the copyright renewal was split between Remick and Vogel. Remick claimed that it held the copyright registration card and on that score Santly made a deal with Remick whereby a royalty was to be paid on all copies of 'Playmates' sold and Remick was to distribute these royalties intact between the writers of 'Lola'. Remick was the original publisher of 'Lola'.

Oomph Necessary

Detroit, Oct. 22. You can train a voice but oomph—? Speaking at the meeting of the Michigan Music Teachers Association at Battle Creek, Fred Patton, voice instructor at Michigan State College declared that in these times 'you must have oomph to be a good singer.' Then he went ahead and offered numerous suggestions on the technical problems of singing but had no remedy to offer for a lack of 'oomph'.

James Roosevelt Gets MPPA Film Jukebox License

Globe Productions, which is headed by James Roosevelt, has worked out a basic music license covering the use of films in coin-operated machines. It makes the first such agreement with the music industry and was negotiated by Roosevelt through Harry Fox, agent and trustee.

The basic contract calls for fee of 5c per foot on all film strips with music used in coin machines, as against a guarantee of \$100 per musical number. Under this agreement Globe can obtain the rights to anything published by Fox's clients during the next two years. However, the publishers reserve the right to refuse, providing it's in good faith, the use of standard tunes for the same terms.

Globe has already made up eight strips with copyrighted tunes, and it plans to go into extensive production following the end of this week's exhibition of the film coin-operated machine at the Waldorf-Astoria hotel, N. Y.

CAN'T MIX NAVY BAND WITH G.O.P. CANDIDATE

St. Louis, Oct. 22. Music and politics don't jell and two concerts here by the U. S. Navy band were threatened with cancellation Thursday (17) when the Kiwanis Clubs of Greater St. Louis which sponsored the navy tooters, attempted to have Wendell Willkie, Republican presidential candidate, endorse the campaign of the Kiwanians to raise money for poor kids after he delivered a major speech to more than 30,000 in the Arena. The presence of Willkie in town on the same day as the two concerts caused a lag in b.o. sales and execs of the Kiwanis obtained Willkie's consent to appear after the p.m. concert and endorse the drive.

News that Willkie would make a p.a. after the concert caused Democratic Congressman C. Arthur Anderson to squawk to Secretary of the Navy Frank Knox that the whole scheme was a 'cheap political trick being perpetrated on St. Louisians.' Knox immediately notified Lieut. Charles Benter, the band's director, that if Willkie appeared, the band couldn't. These instructions were turned over to the Kiwanian execs who dropped plans to have the Republican standard bearer show up. 7,500 attended the p.m. concert, 6,000 kiddies having taken in the matinee.

Janis in Music Suit

Los Angeles, Oct. 22.

Elsie Janis was named as a technical defendant in a royalty suit brought by Jack King, songwriter, over the ditty, 'Paramount Parade', which he declares he and Miss Janis wrote. Inclusion of the actress' name, according to the plaintiff, is a technicality to satisfy legal requirements. She declined to join him in the suit.

Other defendants are Paramount Pictures, Famous Music Corporation, Sidney Justin and Y. Frank Freeman.

Mills Settles Piracy Suit

Los Angeles, Oct. 22. Mills Music Co. made an out-of-court settlement of the plagiarism suit brought by Lols Gilbert and Selma Shelly over the song, 'Blame It On My Heart Affair.' Settlement is reported to be based on 20% of the company's gross on the song.

ASCAP'S \$4,000 BAND FOR DAY AT EXPO

American Society of Composers, Authors and Publishers has bought Johnny Green and his regular 17-piece band and an additional 43 men to augment Green's outfit to 60 for the ASCAP 'Cavalcade of American Music' at the New York World's Fair tomorrow (Thursday). Entire orchestra under Green is costing ASCAP approximately \$4,000, about half of which will be paid in salaries for the extra men. Deal was set by Harry Moss of Music Corp. of America. Concert is to be run off in two sections at the Music Hall which regularly house the Mike Todd show, 'Streets of Paris'.

ASCAP has reconciled itself to not having the event broadcast. The Fair authorities propose to go through the formality of offering it to NBC, CBS and Mutual today (Wednesday).

In addition to Green's band, which will work only the evening stretch beginning at 8:30, the Rochester Philharmonic Symphony Orchestra is programmed. Concert is to be run off in the afternoon schedule of serious works of ASCAP members Henry Hadley, Deems Taylor, Dr. Howard Hanson, William Grant Still and Morton Gould. That portion will tee-off at 2:30 p.m. Dr. Hanson, director of the Eastman School of Music, and Still will conduct. Vocalists will include Margaret Speaks and Jules Bledsoe.

Gene Buck, ASCAP prez, will m.c. the evening stretch, during which the musical menu will include tributes to Victor Herbert, John Philip Sousa and George Gershwin. Composers and authors who will either play or sing their own writings include Irving Berlin, George M. Cohan, Jerome Kern, Sigmund Romberg, Richard Rodgers, W. C. Handy, Harry Von Tilzer, Joe Howard, Harry Armstrong, Peter De Rose, May Singhi Breen, Jean Schwartz, Gene Autry, Walter Donaldson, Clara Edwards, Jack Lawrence, Billy Hill, Ferde Grofe, Irving Caesar, Harold Rome, Milton Ager, Arthur Schwartz, Sammy Fain, J. Fred Coots, Ray Henderson, Fred E. Ahlert, Ernie Burnett, Dave Stamper. That's said to be only a partial list. Ruth Lowe, writer of 'I'll Never Smile Again', which won her ASCAP's \$1,250 award for the most beautiful song of the year last week, is also down.

ASCAP's first such concert was staged at the San Francisco Fair Sept. 24.

French Society Hopes Performance Royalties Soon Will Roll In

Alpi Jean-Bernard, general manager of the French performing rights society (SACEM), advised the American Society of Composers, Authors and Publishers by letter last week that the outlook for his organization was improving. Theatres, he wrote, were reopening in occupied as well as unoccupied France, except along the northern coast, and that these activities should prove quite a hypo- to SACEM's exchequer. France used to be an important source of performing rights income for American publishers.

As for Hugo Bryk, ASCAP's European rep, the circuit in which he can function has become more limited. Bryk is currently living in Monte Carlo. Being an Austrian citizen, he can't do much traveling.

Petrillo Orders Networks to Desist From Bargaining Remote Lines; Favorite Bookers A.F.M. Target

Not Much Beauty Left

Detroit, Oct. 22. It was a quiet little talk that Victor Kolar, conductor, gave his Detroit Symphony Orchestra, before bringing the downbeat to the season's first rehearsal.

These are troubled, unhappy times, he told the musicians. There is very little beauty left. It is our responsibility to maintain a little of the world's remaining beauty. It seems to me this is a serious task and a noble one.

'We are starting the season together in a peaceful country, with our homes and loved ones secure from peril. I ask you to join me in the months to come in maintaining and extending those things which have been placed in our charge.'

Gives U.S. Record Till Nov. 13 To Straighten Self

Officials of the U. S. Record Corp. and the Scranton Record Manufacturing Co. were advised Monday (21) by referee Irwin Kurtz in Federal court, New York, to get the tangled affairs of the outfit straightened out and in fair working order by Nov. 13, or the company would be liquidated.

At the same hearing the problem of protecting the copyright owners of songs used on 220,000 records, which are to be sold and the proceeds split up among the two companies, was taken into consideration. Kurtz stated that the copyrights would have to be protected and advised the record company officials to huddle with publishers concerned and try to work out a deal for payment. There are numerous suits now on the calendar against U. S. Record for unpaid royalties.

Refere also stated that contracts between U. S. and bands it had been recording up to the time it ran into trouble must hold until Nov. 13. He denied the application of Sammy Kaye for a release, saying that Kaye was one of the principal assets of the company and releasing him would be setting free assets that would eventually force the liquidation the company is trying to avoid.

Kaye has a verbal contract with Victor Records to return to that company's 50c sides as soon as he is released from the U. S. deal, on which he had cut 12 sides since last July.

At a meeting last week at the offices of James C. Petrillo, prez of the American Federation of Musicians, the three major networks were ordered to end, by Jan. 1, 1941, the agreements between them and band booking agencies for the sale of sustaining broadcast time. Lawrence Lowman, for CBS; Sid Strotz for NBC, and Nat Abramson for WOR, New York, were handed the ruling. Abramson was acting solely for WOR, but was told to relay the orders to Mutual inasmuch as WOR was part of that net. Fred Weber, general manager of Mutual, was out of town and didn't attend.

Petrillo told the network reps that the AFM convention at Indianapolis last July has passed a rule prohibiting any favoritism being shown any orchestra re broadcasting opportunities. He said that henceforth the nets must deal directly with spot owners, that bandleaders and their booking agencies must not handle any band in negotiating for remote wires. He explained that there are numerous bands waiting for a chance to get sustaining advertising and that these must be given a chance, not stymied by having powerful agencies buy up the best broadcast hours and dole it out to favored groups.

Music Corp. of America is not the only band agency with an agreement for network hours for its bands. Frederick Bros. have a setup for its bands worked out with Mutual and also buys CBS time through MCA. Latter's pact with CBS is a company with recently worked out deal whereby Wm. Morris bands also get a slice of CBS available time. MCA also has a second deal with Mutual.

Letters informing the various band agencies that the agreements would have to be torn up by the first of this year are to be mailed this week. No rep of the various band agencies was present to receive Petrillo's order. None were invited.

'Irish Eyes Are Smiling' Subject of Renewal Suit; Three Claim Ownership

An involved action covering the ownership of the copyright on the song, 'When Irish Eyes Are Smiling', was filed Saturday (19) in the N. Y. federal court by M. Witmark and Sons, owners of the original copyright, against Fred Fisher Music Co., Inc., Miss Masic, Inc., and George Graff, all of whom assert they own the renewal rights. A determination of the actual ownership by the court, a temporary injunction (to be argued Oct. 29), a permanent injunction, and statutory damages for alleged infringement sought by Witmark.

In 1908 Ernest R. Ball signed a contract with Witmark granting it exclusive rights on all songs written by him in the next five years. In 1910 Graff signed a similar agreement, and 1912 the disputed song was written by the two with assistance from Chauncey Olcott. The latter assigned his rights to Witmark who published the song until 1939, a year before the copyright ran out. Then in early August, 1939, Graff, the only living member of the composers secured a renewal of the copyright for the next 28 years, and assigned it to the plaintiff. It is then charged that on August 23 Graff again applied for a renewal, secured it, and without an authority, assigned it to Fred Fisher, who since August, 1940, has been publishing the song. Also in 1939, it is claimed that Maud Ball, wife of the deceased composer, applied for a renewal, secured it, and assigned it to Mills, who since August, 1940, has been threatening to publish.

Andy Kirk Drags 1,200

Birmingham, Ala., Oct. 19. Andy Kirk and orchestra played to a poor all-Negro house at Negro Masonic Temple (16), attracting about 1,200 dancers.

Martel Brett, promoter, reported a gross of \$800.

BUFFALO FILLED IN

Charles Baum Into Statler as Season Hits Stride

Buffalo, Oct. 22. Fall band picture to be completed this week when Charles Baum orchestra moves into Hotel Statler. Wanda and Escorts end four-week fill Thursday (24), Baum coming in the next day.

Mario-Merlin orchestra opened last week at Peter Stuyvesant Room following Jolly Friars and Dave Cheskin band reported set for Buffalo Athletic Club. Chez Ami, swank niter, using Tommy Flynn band, local group. Flynn exited Dellwood Ballroom which now has Howard Becker orchestra. Esquire Ballroom is running three nights weekly with Harold Austin band on two of these, local outfits filling in on Saturdays.

Inside Stuff—Music

Report in a New York daily newspaper column of Saturday (21) to the effect that Bob Chester's band held the first three record best seller position on the Bluebird label has put Victor Records in the middle of a hot argument. It may yet result in the company losing either Chester or Glenn Miller from its list of artists on that label.

Article stated that Chester's recordings of 'Practice Makes Perfect,' 'Maybe' and 'We Three' rated one-two-three in the select class, the first time any band has ever held all three positions. Miller took such a burn over the piece that he has already approached an opposition company to Victor re making a deal and switching when his present Bluebird contract expires in January. His steam results from the inaccuracy of the report on the three records and the fact that for some time the slight similarity in his and Chester's style has been a source of irritation. As a matter of fact Chester's three disputed recordings do not hold the first three spots, but are within the first 10. Miller at various times in the past has had as many as the first six or seven consecutive best sellers attributed to his band.

Mrs. Tea Little, recently deceased wife of the orchestra leader, started to manage his musical activities when Little was pianist for silent pictures at an Albany theatre, owned by her father, Harry Hellman. She is credited with having spotted Little's first broadcasting, on WHAZ, owned by Jenseleer Polytechnic Institute in Troy and operating one night weekly. Little made his debut as a singing-pianist, with an intimate technique, on this transmitter about 1926. Station's chief claims to fame, aside from fact it was the first regularly run (in 1922) by a college, are that it introduced Little and Alfred E. Smith, then governor of New York State, to radio listeners.

The daughter of Harry Hellman, she inherited her business ability, her mother being associated with the father in motion picture enterprises and being rated clever. A brother, Neal, is also in Hellman film activities. These include ownership of the Paramount and Royal, Albany, and Palace, Troy. The Hellmans will add a fourth to their string next spring, opening a drive-in on Albany-Saratoga Road.

Slap at name bands came from their principal Nebraska user, R. H. Pauley, boss of the Turnpike Casino, near Lincoln, who has booked 35 of them thus far in 1940. His contention is that a midwest operator knocks himself out foolishly to keep big agents and leaders in the upper money brackets. This has been Pauley's poorest of four years in the biz, strictly due to the losses sustained on, or because of the names.

Re-orienting himself in booking policies, Pauley said he would limit his spot to no more than one name a month, if that. Instead, he will book the crop of new bands, which are good, but not riding the crest. He has found in looking over his books, that the smaller bands, if they play a good brand of music, work a pleasant surprise on his clientele, while big bands, due to higher admissions, often disappoint.

Consolidated Radio Artists states that it did not ask for an extension of time in answering the opening papers of Charlie Barnett's suit which asks he be released from his CRA contract. Agency says that before the expiration of the 20 days in which the papers were returnable its attorneys filed application for dismissal of the suit, which is tantamount to filing an answer.

Further say-it was Barnett's lawyers who asked for an extension of time in filing rebuttal to their move to dismiss and that the latter is due today (Wednesday).

ROBBINS

SCORES

AGAIN

... with the highest number
of hit songs on Music Row!

No. 1 On Your Hit Parade—2 Weeks Straight

MAYBE

No. 1 In Radio Performances

FERRY-BOAT SERENADE

The Song The Press Picked For A Positive Hit!

THE MOON FELL IN THE RIVER

Lyric by Mitchell Parish Music by Peter De Rose
from the Sonja Henie - Arthur M. Wirtz
musical production, "It Happens On Ice"

The Biggest Ballad Sensation Since "Over The Rainbow"

SOMEWHERE

Lyric by John Latouche Music by Peter De Rose
from the Russell Markert Production,
"Ice-Capades Of 1941"

Robbins Music Corporation 799 Seventh Ave., New York
MURRAY BAKER, Gen.-Prof. Mgr. LEO TALENT, Prof. Mgr.

On The Upbeat

Bob Bon, colored singer with Jan Savitt, left that band the end of last week. Understood he may be booked in a band of his own by Mrs. Maria Karmer. Savitt left Meadowbrook, Cedar Grove, N. J., Sunday night (21) for one-nighter and theatre tour.

Zeke Zarchy out of Glenn Miller brass section.

Larry Clinton put Peggy Mann in place of Ann Southern as his vocalist. She had tried out with him during the last week of the band's recent stay at the Strand theatre, New York. Mr. Southern left to get married, the second Clinton vocalist to do so within a year.

Little Jack Little comes back after a month's layoff with a date at the Providence theatre, Nov. 1, then heads south for five weeks on the T. D. Kemp circuit. Little laid off during October following his wife's death.

Gray Gordon leaves the Edison hotel, New York, Nov. 14, for theatre and one-night tour opening the next day (15) at the Adams theatre, Newark, then hopping for four days to the State theatre, Hartford.

Sonny Burke released by Music Corp. of America.

Russ Morgan starts a stay at the St. Francis hotel, San Francisco, hotel, San Francisco, Dec. 2 or 3.

Lionel Hampton's new band down for a week at the Orpheum theatre, Los Angeles, Nov. 6.

Jimmy Richards' orchestra opened Oct. 19 in the Henry Grady Hotel, Atlanta, Ga. Jimmy's new featured vocalists are the Carol Sisters (nee Weiss), of Mt. Cory, O.

Cyril Scott, formerly violinist and saxophonist with Jimmy Richards' orchestra, has joined Clayton Thomas' orchestra, which opened Oct. 17 in the Peacock Lounge at the Hotel Secor, Toledo. Scott left the Richards' crew to be near Judy Gale, Toledo songstress.

Tommy Greene and his band have signed an extended contract until well into 1941 for the Rustic Lodge, near Toledo, O.

Bernard Ragazzo has organized a 12-piece orchestra in Niles, Ohio, with Homer Pierce as vocalist.

Billie Hicks and his Sizzling Six, featuring Eileen Williams, are playing at the Mahoning Country Club, Girard, O., which opened recently under the management of Louise Rollins.

Ballroom of the Chateau, Youngstown, O., is being remodeled by Eddie and Jo Cerretta, to include new colored neon lighting, new tables and chairs, new dance floor, and a band stand with a canopy.

Main dining room of Biltmore hotel, Atlanta, has been renamed Empire Room. Al Apollon orchestra is current.

Cab Calloway skedded to play for dance Wednesday (23) at Atlanta City Aude, tariff 75c. When colored bands play dance dates at Aude, section of seats is set aside where white patrons sit and hear band and watch dancers.

Marlo-Merlin Ork with Adelaide Joy as vocalist, opened fall season at the Empire Room. Al Apollon orchestra is current.

Glenn Miller using a new closing theme tune he calls "Slumber Song," written by the leader and Chummy McGregory.

Jan Garber held a fourth week at Ansley hotel, Atlanta, making necessary a second realignment of booked one-nighters. Date was originally for two weeks, then stretched to three, and now four.

Pancho's Rhumba Band is now alternating with Terry Shand's orchestra in the Rainbo Room of Kenmore Hotel, Albany. Ventriloquist Paul Winchell has been held over, but the Chadwicks and Collett & Dean, dancers, are new additions to floor show.

Francis Murphy's orchestra is playing at Stuart's, new restaurant and dance spot in downtown Albany.

15 Best Sheet Music Sellers

(Week ending Oct. 19, 1940)

God Bless America	Berlin
Shout, I Am an American	Mercer
Only Forever ("Rhythm on the River")	Santly
Trade Winds	Harms
Blueberry Hill	Chappell
Ferryboat Serenade	Robbins
Maybe	Robbins
He's My Uncle	BVC
Call of the Canyon	Shapiro
I'll Never Smile Again	Sun
I Want to Live (Strike Up the Band)	Feist
We Three	Mercer
Crosstown	Shapiro
Practice Makes Perfect	BMI
Now I Lay Me Down to Dream	Remick

*Film musical

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WJAZ) and CBS (WABC), computed for the week from Monday through Sunday (Oct. 14-20). 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
Ferryboat Serenade (7)	Robbins	42
There I Go (12)	BMI	35
Same Old Story (12)	BMI	33
Practice Makes Perfect (12)	BMI	33
Trade Winds (11)	Harms	27
Only Forever (8)	Santly	26
Two Dreams Met (1)	Miller	26
Our Love Affair (6)	Feist	23
Maybe (12)	Robbins	18
Now I Lay Me Down to Dream (6)	Remick	17
Call of the Canyon (12)	Shapiro	17
I Give You My Word (4)	BMI	17
I Want to Live (1)	Crawford	17
Rhumbogie (8)	Leeds	16
World Is in My Arms (3)	Chappell	16
Looking for Yesterday (7)	Berlin	15
And So Do I (10)	Marks	14
Crosstown (8)	Shapiro	14
I Could Make You Care (4)	Witmark	14
Nightingale Sang in Berkeley Square (1)	Shapiro	14
I'm Nobody's Baby (19)	Feist	13
We Three (5)	Mercer	13
I'll Never Smile Again (20)	Shapiro	13
We Could Make Such Beautiful Music (15)	BMI	12
A Million Dreams Ago (7)	ABC	12
He's My Uncle (1)	BVC	10
That's for Me (11)	Famous	10

Murphy, a local who has led bands at Ten Eyck and New Kenmore hotels, Albany, as well as the Riley's, Saratoga, is using 12 men.

Duke Ellington, now using his 'Sepia Panorama' as theme tune in place of 'St. Louis Toddle-oo.'

Hal Kemp's wife, former Martha Stephens, flew to coast with 12-week-old baby Monday (21) to be with leader at Coconut Grove, Los Angeles, opening last night (Tuesday). Kemp replaced trombonist Leo Moran with Albert Sharf.

Charley Spivak set to follow Les Brown into Glen Island Casino, New Rochelle, N. Y., Nov. 6 for two weeks. Brown replaced Gene Krupa last night (Tuesday).

Jimmie Lunceford signed Peters Sisters, harmony trio, to work with his band on coming tour. Lunceford now at Fiesta Danceteria, New York.

Erskine Hawkins starts a new run at Savoy Ballroom, New York, Nov. 1.

Georgia Auld smartly deferring beginning rehearsals on new band until definite booking is in sight.

Eddie Howard's Columbia semi-swing records turned out so well and background band sounded so good company is using it henceforth behind solo singers Jack Leonard and Barry Wood. Band comprises Teddy Wilson, piano; Yank Porter, drums; Billy Taylor, bass; Charley Christians, guitar; Bud Freeman, sax; Benny Morten, trombone; Ed Hall, clarinet; Bill Coleman, trumpet.

Artie Spencer (Spector), Pittsburgh night club comic and c.o., has taken over Ken Francis's band in that city and is one-nighting through tri-state area.

Jean Wald and her femme orchestra out of Pittsburgh back to the Hotel Fort Hayes, Columbus, O., for a return engagement before going to Miami again for the winter.

Billy Merle band into Silver Grill of Hotel Henry, Pittsburgh, for at least two months. Merle played same spot last season for 20 weeks.

Bob Crosby and his band move into the Mark Hopkins hotel, San Francisco, Oct. 25, for six weeks.

MEXICAN WRITES SONG PRAISING HIS CAPITAL

San Francisco, Oct. 22. Pepe Guizar, one of Mexico's ace pop song writers who contributed some of the melodies used by 20th in 'Down Argentine Way,' introduced new patriotic ditty at personal appearance here Thursday and Friday (17-18). Song is 'Mexico Es Mi Capital' and extolls beauties of D. F. Guizar sang own compo aided by Tres Hermanos Flores, vocal-guitar trio from XEW of Mexico City. Appearance was in Verdi, Golden State house in North Beach district which plays Latin product weekly. Screen carried 'Mi Madrecita' plus Mexican government short in behalf of the census featuring Cantinflas, Maria Louisa Zea, Rafael Falcon and other below-border stars.

Coleman Sachs returned from summer in Florida, opened with his orchestra at Pickwick Club, Birmingham (19), for fall season. Mary Allgood is vocalist.

ANDY KIRK

and his "Clouds of Joy"
featuring
MARY LOU WILLIAMS
at the piano

JUNE RICHMAN
HENRY WELLS
Vocals

WEEK OCT. 25
APOLLO THEATRE
NEW YORK

DECCA RECORDS
(EXCLUSIVELY)

Personal Management
JOE GLASER, Inc.

30 Rockefeller Plaza, New York
Circle 7-0882

Yates-Green Theatre Deal Dissolved; Substitute More informal Relationship

Agent Charlie Yates and Charlie Green, prez. of Consolidated Radio Artists have dissolved their partnership in CRA Artists, Ltd. Latter outfit had been set up as a 50-50 proposition, headed by Yates with Green as v. p. to control the booking of CRA hands into theatres.

Yates, however, will retain his offices at CRA, paying the latter a rental fee, and will continue to book the agency's orchestras under a contract which carries a 30-day severance clause. One of the main reasons for the dissolution of the partnership is the fact that in the past several months CRA has lost three of its best theatre bands. Contracts on Russ Morgan and Jan Savitt were sold to them and both bands went over to Music Corp. of America.

Third, Charlie Barnett, currently embroiled in legal proceedings to extricate his band from CRA, meantime booking himself.

Yates has been at home for the past week or so recovering from a twisted ankle suffered while trying to keep up with a bunch of youngsters in a baseball game.

COLUMBIA BAND TOOTS AT VICTOR ASSN. DANCE

Philadelphia, Oct. 22. The RCA-Victor Athletic Club, composed of employees of the RCA-Victor plant in Camden, held their annual shindig at Convention Hall on Friday (18).

The band that was hired for the affair was that of Will Bradley, who waxes his music for Columbia Records—RCA-Victor's rival.

Bob Chester Opens Aud, Crowd of 800 Shows

Buffalo, Oct. 22. Bob Chester, first band to play new Memorial Aud., lured only 800 comers Thursday (17). Disappointing b.o. was due in part to chilly, rainy spell, many preferring to hear him over WEBR pickup than venture out.

Tap was 85c, both presale and at door.

Shribman for GAC, Chi.; Weems Brothers on Own

General Amusement Corp's Chicago branch underwent a shift in personnel effective Monday (21). Art Weems, its boss, resigned and his place was taken by Joe Shribman, who had been one-night booker there and formerly was stationed in New York. Shribman's one-night job was taken over by Phil Brown who left his similar calling for Consolidated Radio Artists in Cleveland. CRA has no replacement for Brown yet.

Weems will combine with his brother Bob, who recently was let out by GAC when the latter closed its Cincinnati office, the pair going into personal management.

Bob Sanders, head of Consolidated's Chicago office resigned his post last week, being replaced by George Lueks. Bob Ehler takes over CRA Chi. one-night dating. Both had been with the office there.

Ted Weems' Grosses

Chicago, Oct. 22. "Ted Weems orchestra, in five days of one-nighters since closing at the Edgewater Beach Hotel here on Oct. 12, has played to total gross of \$8,849.

Breakdown on the individual engagement grosses has \$2,324 for Charles Benson in Springfield, Ill.; \$1,171 for Stanley Mal in Gary, Ind.; \$1,298 for Harry Landfert in Marion, Ind.; \$1,271 for William Vicars in Pontiac, Ill.; \$2,816 for A. L. Guzzie in Muncie, Ind.

Rudolf Friml, Jr., and his band opened at El Cortez hotel in San Diego.

Warney Ruhl has been spotted at Gino's restaurant, Hancock, Mich., for a stay of 12 weeks. He plays the same stand the second two weeks in August.

Tired of Pittsburgh

Pittsburgh, Oct. 22. Six months ago, Eddie Metcalfe, saxman and vocalist, quit Dick Barrie's band for a berth with the Herman Middleman outfit at the Yacht Club here. Three weeks' back, Metcalfe turned in his notice, telling Middleman he was tired of Pittsburgh, wanted to travel and had just received an offer from the Leighton Noble band which was on tour.

A few days after he joined Noble, the latter was signed to open the William Penn Hotel's Chatterbox here and now Metcalfe is back in town again—for at least a two-month stretch.

Consolidated Sets Himer Into New Jersey Spot, Usually MCA Exclusive

Consolidated Radio Artists cracked a Music Corp. of America stronghold last week by booking Richard Himer into the Chatterbox, Mountain-side, New Jersey, for four weeks starting Oct. 31. Himer also is usually booked by MCA though he's not contracted to any office.

He'll replace MCA's current Bunny Berigan there. MCA developed the spot as a buildup stand for its bands.

UNION FAREWELLS ITS MILITARY ELIGIBLES

Troy, N. Y., Oct. 22. Troy Local 13, AFM, gave a farewell party Monday night at Dinty's Terrace Garden on Albany-Saratoga Road for its members in 105th Infantry Band, who leave during the week with the National Guard for training at Camp McClelland, Alabama. Fred W. Birnback, international secretary of the federation, topped the scheduled speakers. Following the dinner, the musicians went into a jam session.

Reservations were made for 250 guests at the party. Locals within the area bounded by Glens Falls, Utica, North Adams, Mass., and Kingston were represented. Ralph W. Eylesheimer, president of Troy unit, headed committee arranging the affair.

AUDIENCE PARTICIPATION Both Masters and Lyman Using Songfest Variations

Several bandleaders in New York at the moment all seem to have hit on the same crowd-pleasing idea at once, and at least two of 'em are based on a gag being used at the Earle theatre, Washington, D. C. Frankie Masters, whose band is currently at the Taft hotel, New York, started an idea he calls 'Sing a Song with Masters' last Saturday (19). Tomorrow (Thursday) on the following night Abe Lyman, at the New Yorker hotel, will inaugurate an idea along similar lines which he calls 'Sing a Song with a Mike.'

Both have equipped themselves with small hand mikes which can be circulated among their patrons at various times, enabling those who care to try it to sing a chorus with their band. Masters doesn't record any attempts, but Lyman's idea is to have a recording made of some, not all, of the voices that respond at the New Yorker, and presented to each singer. He has made arrangements for a small screen to be erected above his bandstand on which slides carrying song lyrics will be projected.

In addition, Lyman's songfest will be broadcast a half-hour weekly over WMCA, N. Y., starting this Sunday (27) at 11-11:30 p.m. Both Lyman's and Masters' stunts are admittedly taken from the Earle, Wash., where solos from community sings are recorded in like manner.

For the past several weeks Johnny Long has been using a variation of the same idea at the Roseland Ballroom, N. Y. He gets a certain number of volunteers onto the bandstand each evening to sing with his group and later hands each a 'Recordgraph.'

Coast Palladium Readying

Hollywood, Oct. 22. Palladium, newest of the Coast ballrooms perched midway between the NBC and Columbia studios and across the street from Earl Carroll's niter, will be unveiled Oct. 31.

Tommy Dorsey is the leadoff band, followed by Arlie Shaw, Glenn Miller, Glen Gray's Casa Lomas, Kay Kyser and Larry Clinton, in that order. Morrie Cohen, onetime film producer, operates.

COLUMBIA TO DROP SLOW SELLERS

Columbia Records expects to do a bit of housecleaning on its popular labels within the next couple of months. Recording outfit intends sweeping about six or eight bands and singers off its Columbia 50c and Okeh 35c labels. Some of the ones in mind are still doubtful and may remain if their sales increase between now and the expiration of contracts. Each name still has a couple of months or a half dozen sides to go—present agreements.

Company meanwhile is making preparations to bolster its list of talent on those labels, as well as replacing those that are going off.

FRED COLE JOINS T. DORSEY

Boston, Oct. 22. Fred Cole, announcer at WBZ for the past three years and a local expert on swingiana, left Boston last week to drive to California. From the West Coast Cole will do five broadcasts as the announcer for the new Tommy Dorsey series, while the band is making a film.

Will later return east with orchestra to announce the shows from New York City.

'How to Be a Bandleader' Changes Both Its Real and Ghost Authors

British Publishers' Top 12 Radio Plugs

London, Sept. 22. (Sept. 16-22)
Can't Love You Any More. FDH
Breeze and I. FDH
Tiggerty Boo. Maurice
I Hear Bluebirds. Lafleur
Meet the Sun Halfway. Campbell
Playmates. Campbell
Begin the Beguine. Chappell
Don't You Ever Cry. Bradbury
Fools Rush In. Lafleur
I'll Never Smile Again. Campbell
Imagination. Chappell
Love Is All. Sun

Strand, N.Y., Must Delete Contract Clause Passing Taxes to Orchestras

American Federation of Musicians last week notified bookers of bands for the Warner Bros. circuit to delete from future contracts a clause which puts bandleaders hired for dates at its Strand theatre, N. Y., and others out of town, in the position of assuming liability for social security and unemployment taxes. AFM stated that under a rule relayed to band users via circular letter sent out last July 5 "liability for payment of such taxes is an obligation imposed by law upon the employer and not the subject of a contract."

AFM sent letters to various agencies and personal managers informing them not to okay contracts between bands and theatres so long as the agreements carried such a clause. It also ordered leaders not to sign such a contract. Letters were dated Oct. 18.

Early this past spring a book was started on 'How to Be a Bandleader' and completed—short order by Larry Nixon. It was to be under that title with Benny Goodman's collaboration. Its prospective publishers, McBride, didn't care for the approach and it was turned over to Les Leiber, Columbia Broadcasting staff publicity writer, for revision. Leiber finished the work little while ago, but since has unsuccessfully sought Goodman's final okay on the thing. And the deadline for delivery of it to McBride was nearing.

Leiber contacted his old boss, Paul Whiteman, with whose band he used to play a 'hot' 10c flute, and arranged to safeguard the script if Goodman didn't okay it in time for McBride's deadline. Goodman didn't and the book will be published under the title 'How to Be a Bandleader,' by Paul Whiteman as told to Les Leiber. Payoff is in the different style bands banded by both leaders in the past, which, of course, has nothing to do with the story.

Shep Fields Set for New George White B'way Cafe

Shep Fields' band has been booked to go into the new George White Niter on the site of the old Cotton Club, New York. White's spot will be tagged the Gay White Way and expects to get going the last week of November or the first in December. Fields is down for seven weeks. He's currently at the Essex House, New York.

Cotton Club's shuttered spot was originally set to be taken over by Mario, presently operating the nearby Hurricane, but the deal fell through.

WHEN OPPOSITION PRESS AGENTS PAY TRIBUTE— —THATS NEWS!!

- DAVID O. ALBER
"She's one Ella va fine singer!"
- GEORGE B. EVANS
"Ella Fitzgerald is TOP!"
- GARFIELD-ZIMMERMAN
"Among the things upon which we agree: Ella is terrific."
- DAVID E. GREEN
"Ella is Marian Anderson with hot licks."
- IRVING MANSFIELD
"A REAL stylist."
- MILTON RUBIN
"She's all the synonyms of GREAT."
- JACK TIEMAN
"Her renditions are musical digital-let for the heart."



ELLA FITZGERALD

The First Lady of Song

Personal
Management

GALE INC

48 West 48th St
New York

Night Club Reviews

PERSIAN ROOM, N. Y.
HOTEL PLAZA, N. Y.

Russell Markert revue with John Buckmaster, Eddie Dunbar and Rhythmatrices (4), Alfred Drake, John Manning, Elenore Tennis, 8 girls; Dick Gasparre orch (11) and Gerry Morton's band (5); \$3.50 minimum dinner, \$1.50 and \$2.50 cover.

The Persian Room is letting its hair down this season, taking a cue from the St. Regis where ice shows have proved good boxoffice, and is splurging with a properly decorous Russell Markert revue in the best Radio City Music Hall tradition. This is in addition to Dick Gasparre's crack orchestra (11 men) alternating with Gerry Morton's rhythmic quintet, which shifted over from the Hotel Savoy-Plaza where he alternates with Emile Petti during the year.

Going sa, with eight in the line and a number of principals, however, doesn't seem to be the answer to the Persian Room. This spot, while perhaps formula through the years, had a surefire boxoffice tradition in a three-act parlay, that started with maitre d'hotel Paul, who jealously watched over his room, Eddy Duchin on the podium with his svelte syncopation; and the DeMarcos on the hoof for the diversification. Now Duchin is committed to the Waldorf. But he and Paul, each other frankly, as do the customers going to both places—and the DeMarcos are plenty busy in the Ed Wynn show.

Not that the Persian Room fitted the standards well. In fact, anybody who knows the hotel's high requirements must realize he's fitted the bill well. The eight gals are properly polite, lissome and psychomotor of variety to relieve the entire picture. But, in toto, it doesn't jell, and the sum and substance forces a conclusion that the Persian Room, the clever mimic, couldn't just about supply all the diversification required, with a possible assist from one other good act.

As it plays Elenore Tennis intros with a ballet, Alfred Drake, who tenored in "One for the Money" and "Two for the Show," serenades "Have You Seen a Heart" and "Ribbon in Your Hair" to the oomph of a band of all recruits from the Powers and Conover modeling factories which, incidentally, are an increasing source of decorative talent in stage ensembles, and not merely for straight and modeling purposes. Dixie Dunbar and her four male Rhythmatrices do conga taps in unison, expertly and well, and the winning primas with equal charm and professionalism. But it remains for Buckmaster to buff 'em, starting with a cabby routine and thence into his now well-seeded monologues anent the man-ordering-a-meal; his impressions of Kaltenborn, Swing and travelog man FitzPatrick, plus others. Buckmaster, since starting with Greta Keller at the Hotel Algonquin's supper club, has traveled fast and far, and will very likely become a standard in the niter circuit from New York to Florida.

Productionally, the revue is tastefully and imaginatively costumed by Nat Karson (who also did the lighting). The Persian Room, on the other hand, seems to have lost some of its charming intimacy by shifting the bandstand to the left of the main door, where the service bar used to be. The added tables, plus the mirrored background, which, further adds to the illusion of size, has proportionately reduced the feeling of clubbiness that is part and parcel of the most desired cafe standards. Actually, the capacity hasn't been increased extraordinarily save for the few extra tables where the bandstand used to be.

The two orchestras are tops for class patronage. Dick Gasparre's 11, with himself at the Steinway, gives out smooth and hot; his three reeds, three brass, two violins and piano-bass-drum making for a spirited yet properly subdued aggression. Gerry Morton is excellent relief with his brisk quintet. He too conducts from his piano. Abel.

Cafe Society Uptown, N. Y.

Hazel Scott, Golden Gate quartet, Pete Johnson, Albert Ammons. Teddy Wilson Orch (6); \$2 and \$3 minimum.

Barney Josephson, the former Trenton (N.J.) shoe dealer who turned a Greenwich Village basement into a moneymaker, has taken himself another bite to chew and annexed a hunk of East 18th street to give the smart-side hosties an even break. New spot is labeled Cafe Society Uptown to differentiate it, of course, from Cafe Society Downtown, which, though it is now thumbing away at the socialite crowd from which it sneeringly takes its title.

Not that the uptown spot has gone polite. That would have been bad business. The guys and gals of the

dinner-jacket set apparently enjoy seeing themselves as others do, which was evidenced by the way they almost flooded the long-haired boys and short-haired females out of the Village joint after they caught on.

Possibly it's the pretense, sometimes known as the better part of valor, but finding himself smack like the enemy's camp, Mr. Josephson has done his ribbing in gentler vein. Anton Refregier has painted the kidding murals which set off the spot and are counterpart of a high point of the downtown place. To be seen are Jerome Zerbe floating in air and lensing an all-too-willing couple, debbies giving testimonials for soap, and a couple of the ures floating from the ceiling, contrived by Robert Cronbach. Among other appearances is a sofa with hand-painted stripes and a bronze statue of a man.

Spot, seating 350 on main level and balcony, had varied past—and 'past' is used advisedly—before Josephson's advent. During prohibition it was Belle Livingston's, later the Surf, Park Ave. Joe Zelli's and Mother Kelly's.

Entertainment in the same boogie-woogie vein as in the Village is, it has been brought back up intact from south of Greenwich avenue. Resplendency and size make the spot less intimate than Cafe Society and Hazel Scott and the boogie-woogie pianists suffer somewhat. Apparently seeing latter's hands is an important adjunct to enjoyment and Josephson is figuring to do something about that point.

Golden Gate Quartet, the four Negro lads whose spirituals in rhythm marked them big downtown, top all else up north. Their ability to sing in complete silence to a crowded and chattering niterly speaks more for them than any other tribute. Miss Scott, who's also m.c., doesn't get far with her solo warbling from the floor, but when she starts when she takes to the piano with swing versions of Liszt, Bach, Percy Grainger and whomever else the house wills. Pete Johnson and Albert Ammons, who's also m.c., start at C.S. in, are solid as ever with their boogie-woogie on the keys, separately and together. Teddy Wilson's six-man band achieves amazing, solid sound, more hip, more mature, is no trouble talking over it. Tricky drapery band platform helps get the effect.

Jack Guilford, once a regular at Cafe Society, now in "Meet the People" in Chicago, will be doubling at the uptown spot as m.c. when the legit musical arrives in New York. His act, which is a badly needed switch from the all-musical entertainment now.

Prices, in keeping with the elegant surroundings, are higher than elsewhere. At the Hotel C. M. minimum is \$2 weekdays instead of \$1.50 and \$3 Saturdays and Sundays instead of \$2, while dinners start at \$1.75 instead of \$1.50. Oscar Schirmerman, once of the Hotel Algonquin, now maitre at Claremont Inn, is generalissimo. Herb.

Hawaiian Room, Dallas
(ADOLPHUS HOTEL)

Dallas, Oct. 18.
Malcolm Beelby Orch, Aggie Auld, Eddie Umi Loo, Johnny Kaahue's Quartet, Malia.

Latest innovation along local night club row, is the newly redecorated Adolphus hotel's Hawaiian Century Room, where Malcolm Beelby's Royal Hawaiian orchestra and native entertainers are escorted in an eye-pleasing setting of the islands. Animated murals, which depict actual storm scenes—highlights the decorations, which also include bamboo-en-cased walls, palm trees and native huts for private parties.

Beelby's band isn't confined to Hawaiian music, playing everything native island songs, swing and sweet rhythm and waltzes. Beelby, a comparative newcomer to the band business, is a personable maestro. Formerly arranger for Warner Bros. studios, he organized his own band in 1936, making his debut at the Royal Hawaiian hotel, Hawaii. His three-month contract there was extended to 20 months. This engagement is his first on the Mainland.

Aggie Auld, native hula dancer, comes without some poundage. Highlight of the floor show is Eddie Umi Loo, native Hawaiian who is making his first appearance on the Mainland. Loo's clever interpretation of native dances won over this smart crowd.

Johnny Kaahue's Quartet is a family group of father, daughter, son and nephew. Singing and dancing, are their forte, used to fill in during band intermission.

House capacity of 550 filled during dinner and supper show caught Friday (18). Ger.

RAINBOW ROOM, N. Y.

"Flores de la Noche" revue with Jack Cole Co. (Anna Austin and Florence Lessing), Elsie Houston, Vincente Gomez, Eddie LeBaron, Rhythmatrices (12), featuring Morris King, Jacqueline Salter, Bill Karr; Dr. Sydney Ross; \$2.50 minimum dinner, \$1 and \$2 cover.

It had to happen, what with the congarumba vogue still on the up-beat. Now the Senors Rockefeller have gone Spanish and they're calling the managing director Juan Roy, by Latin nomenclature. Show is 100% fandango-flavored, and a good change of pace for the room.

Coincidentally with the return of Eddie LeBaron and his band, "Flores de la Noche" also brings back Jack Cole with his two clever dance mimes, Anna Austin and Florence Lessing, but this time they're more Martinique and Cuban in their terpsichorean conceptions than their former Balinese style. Cole who, incidentally, was long laid up with a fractured ankle, is still among the best in his style in night club dance work, and he handles two opportunities, one a la Martinique and the other more rhumba, in tiptop fashion. Their costumes, too, are quite unusual.

Elsie Houston, another cafe standard, best known through her work at Le Ruban Bleu, contributes Brachy, Little in Portuguese, and Vincente Gomez, with authentic flamenco Spanish airs on his guitar (he's familiar via NBC buildup) rounds out the revue that shapes up more importantly than its lack of numbers suggests. LeBaron, who does besides batoning, leaving Morris King, his concertmaster, to conduct the show and also officiate for the chief of the show's integral part, Jacqueline Salter and Bill Karr are new vocalists featured with LeBaron's band.

The Rockefeller Center's high spot is a natural style and John Roy and his side, Ed Seay, who's also m.c., no compunction about putting the bee on the project for more elastic budgets, even if the R. C. people have to make it up elsewhere. It's for that reason, of course, that the rental charge to the 65th floor niteries is one of those things, but the fact that the formal Rainbow Room and informal Grill gross \$1,000,000 a year between them (and the luncheon club, which is by membership) speaks for itself. Abel.

LA MARTINIQUE, N. Y.

Michael Keane, Yvette, Marilyn & Betty, Henry Youngman, Val & Man, and Herbert Corbello orchestras; \$2 and \$3 minimum.

Henry Youngman is the surprise of this show as a flip comedian, fast, funny and fly with his small-talk that seemingly goes better in the intimate confines of a cafe than in his usual stage, and club audiences. While Youngman, as he puts it, "may not be so pretty," he's certainly no bore. His material is bright and his delivery brisk. He takes his cafe spotlighting in stride, and his conferring in excellent style, besides his own buff monolog specialty for the finale.

Ex-novo Dario (and Diane) otherwise has a good all-around show at his class Martinique that's easily worth the \$2 minimum (\$3 Saturday). Betty Keane is a tapster, okay but not particularly needed here, although her beautiful voice, used showmanly. The blonde Yvette, with her beautiful, expressive hands and an ingratiating song style, is less French than her repertoire, what with the Vichy Government's puppet actions diminishing U. S. Francophile interest right now. She sells the ballads in forthright American style, although she's a little Gallic accent. (Circa New Orleans.)

Michael and Marilyn, who pyramided a two-week booking at the Rainbow Grill (N.Y.) into a two-year engagement, are not doing the "champagne hour" dance-instruction, but are out-and-out exhibition terps. They've progressed considerably since leaving the Rockefeller niteries, and they also did a snatch of solo work at the uptown 930-1030 hour with the dance contest idea, they didn't register as they do now. Michael seems to have especially improved his work, especially the blonde Marilyn. Their terms are a bit away from the usual lingo-waltz-fog sequence, going in for polka, mazurka and polka numbers, with unusual line and decided, semi-nationalistic character, to contrast their performance.

Otherwise the brisk Val Olman and the zingy Herbert Corbello (brother of Fausto) orchestras help up okay dapsation in U. S. and Latin style respect. Abel.

Commodore Hotel, N. Y.
(CENTURY ROOM)

Sammy Kaye Orch (14) with Tommy Ryan, Charlie Wilson, Jimmy Brown, Arthur Wright, Grace and Graham.

Beginning its third straight season at this east side spot, Thursday (17), Sammy Kaye's sweet group

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, to 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	Cover	Week	Total
		Charged	Days	Box Office
Eddy Duchin.....	Waldorf (500; \$1-\$1.50).....	6	900	7,320
Ray Heatherton.....	Biltmore (300; \$1-\$1.50).....	6	225	1,150
Sammy Kaye.....	Commodore (650; 75c-\$1.50).....	0	1,700	2,800
Ray Kinney.....	Lexington (300; 75c-\$1.50).....	23	1,450	29,800
Guy Lombardo.....	Roosevelt (500; \$1-\$1.50).....	2	1,025	3,150
Abe Lyman.....	New Yorker (400; 75c-\$1.50).....	1	1,600	2,600
Glenn Miller.....	Pennsylvania (500; 75c-\$1.50).....	2	1,975	3,835
Tony Pastor.....	Lincoln (225; 75c-\$1.50).....	3	400	1,800

* Asterisks indicate a supporting floor show, although the band is the major draw. † 3 days.

is set for another six months. This season the hotel's operators are making a play to strengthen the room as a gathering place for New York's upper strata. On opening night there was more than a smattering of bluebloods on invitation.

With a long summer road stretch of theatres and one-nighters under its belt, during which the outfit clicked solidly with its "So You Want to Lead a Band" come-on, Kaye's unit sounds better than ever in its particular style. One of the most noticeable differences, however, is in the outfit's rhythm. It has never been as definite. Apparently the drummer a bit more leeway, not enough to make him ride above the rest, but sufficient to give group more lift. Always a danceable bunch, Kaye and his men had the dance floor here crowded at all times when caught and a sizeable percentage of almost 800 covers was underwritten by college-age check-grabbers.

On the entertainment side the band has Tommy Ryan, Charlie Wilson, and Jimmy Brown, singing separately and as a trio, and a new comer, Arthur Wright. Wright is an extremely satisfactory tenor and stacks up a smart addition to the neat work turned in by the trio.

Hotel has also added a dance team to further help the aim at society patronage. Grace and Graham are smooth, working twice a night, at dinner and supper. They're an excellent addition to the better devised routines than the average twosome. They were well liked. Wood.

CLUB BALI, MIAMI

Miami, Oct. 16.

Gloria Grafton, Hal Cummings Harry Bernie, Bait Ball Girls (6), Markos Rhumba Troupe (6), Tommy Nunez Orch (10), Syd's Rumbartones (4); \$1 minimum.

"Wingy" Grober is one of favored few who managed to remain in good graces of the public this summer. As a result his Club Bali has kept well in the black and bids fair to hold its own against all comers this season. In line with this, Grober has enlarged the room to accommodate 100 or so more diners, and installed a sliding stage, elevating show in clear view of all. Spots tropic decor remains unchanged except for addition of a trick volcano, rigged up to erupt occasionally with electrifying effect. While spectacular, anyone in a bar getting load of this explosion is liable to bolt the joint in a rush to take the pledge.

Gloria Grafton is easily the most polished personality to grace this floor. Possessing a warm, compelling voice, and astonishingly clear diction, she choice assortment of old and new songs is a welcome relief from the ear-splitting pyrotechnics of some of her predecessors. She's an exceedingly gracious performer, with a fine sense of timing, and is one of the few who completely command the attention of diners in this large room.

While lacking the warmth of his feminine counterpart, Hal Cummings nevertheless manages to hit on all eight vocally to back the rousing ballads. Delivery would be still more effective if he'd loosen up a bit. As is, he constantly gives impression of concert baritone. A none singer, he's represented in Harry Bernie, though. He's an indefatigable terper, who through sheer undiluted exuberance, glosses up what otherwise would be pretty hackneyed hokey.

Brenna Morrow has done a slick job with the Bali Ball girls, routines and costuming. Heretofore heavy on optic appeal and light on act, they score this time with a modernized bar. Markos rhumba troupe is a hold-over, winding up show taking customers on conga carpet around the room. Tommy Nunez is an even singer, representing well with a team of 10, doubling as did Syd's Rumbartones is actually unit from Nunez combo. Les.

W. C. Handy autobiography to be published soon.

Ted Powell Fast Subbing
For Ailing Bobby Byrne

In almost a last-minute booking, Teddy Powell's orchestra was bought to replace the ailing Bobby Byrne at Meadowbrook, Cedar Grove, N. J., beginning last night (Tuesday). Powell is set for at least a week and may remain the entire three weeks of Byrne's stretch, everything depending on Byrne's recuperation. Latter was scheduled to leave the hospital yesterday (Tuesday) feeling much better. He had been operated on for appendicitis.

Powell's place at the Famous Door, New York, where his new band had been since debuting several weeks ago, was taken last night (Tuesday) by the Disciples of Rhythm, an eight-piece combination that clicked at the Pump Room of the Ambassador hotel, Chicago, recently.

KNOWS ANYHOW?

Willard Alexander's Odd Contacts With Rival Booking Office.

One of the most peculiar situations ever encountered in the band business—and an open secret that has had people familiar with it wondering, for some time—finds one of the top executives in one band agency personal managing first, now two bands under contract to an opposition agency. Willard Alexander, head man of the Wm. Morris agency band setup, is personal manager for the Count Basie and Benny Goodman bands and, while handling the booking and developing of the properties he is directly responsible for, finds time to guide Basie and Goodman by supervising and okaying dates booked for them by the Music Corp. of America.

Many exchanges of data and telephone calls on dates for the two bands are done between offices, which means that Alexander is in the position of having revealed to him part of the business and some of the prospective dates which an opposition booking outfit is angling to get.

Band Bookings

Bob Chester, Nov. 2, Arcadia Hall, Brooklyn; 4, Temple Hall, Staten Island, N. Y.; 27, Bellevue Stratford hotel, Philadelphia, one night.

Jack Teagarden, Oct. 25, Coliseum, Baltimore; 26, Town Hall, Philadelphia; 27, Savoy B., New York; Oct. 28, two weeks, Brunswick hotel, Boston.

Charley Spivak, Nov. 6, two weeks, Glen Island Casino, New Rochelle, N. Y.

Ted Fio Rito, Nov. 1, Adolphus hotel, Dallas, indef.

Will Bradley, Nov. 1, U. of Pennsylvania, Philadelphia.

Del Courtney, Nov. 9, Castle Farms, Cincinnati; 13, Colony Club, Cape Girardeau, Mo.

Duke Ellington, Nov. 1, Field House, Kansas, Ind.; 5, Crystal B., Fargo, N. D.; Civic Aud., Winnepeg, Can.; 15, Regal theatre, Chicago.

Vincent Lopez, Nov. 2, Waldorf hotel, New York, one night.

Will Osborne, Nov. 23, Tromor B., Des Moines; 24, Skyline B., Sioux City, Ia.; 27, Chermot B., Omaha, Neb.; 7, I.A.M. Aud., Flint, Mich.

Boyd Bachman, Nov. 15, Palais Royale, South Bend, Ind.; 16, I.M.A. Aud., Flint, Mich.

Jimmie Lunceford, Nov. 1, 20th Century T., Buffalo; 8, Williams College; 10, Ritz B., Bridgeport, Conn.; 15, week, Apollo T., New York.

Erskine Hawkins, Nov. 1, indef., Savoy B., New York.

DEFENSE COIN AS JOB AID

'Your Presence Requested'

Traditionally, VARIETY never reviewed the opening matinee of vaudeville shows, and even used to dodge the supper show when that used to mean the curtailed performance. Desired preference was for the final show opening night, on the theory that this usually was the best performance of the talent.

The 1940 switch is the reverse. Acts, whether at Loew's State on Broadway or in the outlying keys, now request VARIETY to catch the very first show, some starting before noon, where the schedule might call for five shows daily from the barrier, because—the acts aver—'that's when we can do all our stuff, before they start cutting us down in order to fit a running time.'

Conversely, Billy Brandt, operating the Flatbush in Brooklyn, which has a Thursday opening, requests VARIETY to cooperate by catching the Friday night's performance because that means the show is blended better after being worked in 48 hours, since the sundry acts open cold there.

Anti-Gambling Raids Shut 2 Clev. Niteries; Ohio Villa Floorshow Out

Cleveland, Oct. 22.

Grand jury crusade against gambling on the eve of state elections, which forced the Arrow and Thomas Clubs to fold, caused the swanky Ohio Villa to discontinue keno as well as its floor shows.

New edition, slated to open tomorrow (Wednesday), had listed Cross and Dunn, Two Ashburns, Harriet Smith's line and several others, but all acts were wired last-minute cancellations. Since spot's contract with Maurice Spitalny's orchestra was also expiring this week, the inside dopsters are predicting that it will shut down any day now until elections are over.

Three deluxe niteries involved went through the same ruckus four years ago. All located over the county line, they came out of it intact, but their jittery operators are not so confident about the outcome this time. So much heat is being turned on by state and local law authorities that they are beginning to believe the reform party's threat to clean up Ohio, as far as the big-time casinos are concerned.

Both the Thomas and Arrow were harassed with such persistence by cops that they melted under the pressure. A raiding party of bulls swept through the Ohio Villa last week, but found all the wheels and bingo cards had been moved out. Despite lack of evidence, Judge Frank Lausche ordered them to keep raising nightly until the spot puts up its shutters.

Mounds Club is also reported jittery, although it's the most exclusive and expensive niteries in this section, playing such names recently as Sheila Barrett, Sammy Walsh and Peggy Fears.

BERNIE STARTS SUNDAYS AT LYRIC, BRIDGEPORT

Ben Bernie and his orchestra tee off a new Sunday only band policy at the Lyric theatre, Bridgeport, Conn., Nov. 20. Theatre intends using acts occasionally in conjunction with bands.

Count Basie follows on the 27th.

Golden Dragon, St. L., Loses Liquor License

St. Louis, Oct. 22.

Excise Commissioner F. E. Tim O'Toole has shuttered the Golden Dragon Club, downtown niteries, by revoking its liquor license. Charges of selling liquor after hours, permitting minors to frequent the place and conducting it in a disorderly manner were lodged against Christ Kalalige, manager. A 15-year-old girl, formerly employed as an entertainer in the spot, testified she was served drinks after the closing deadline. Kalalige did not contest the hearing.

The club was formerly operated by Harry Anastas, who was fatally shot about two years ago by a femme admirer.

Yokels' Delight

Hollywood, Oct. 22.

Earl Carroll is plastering the outside wall of his niteries with 150 cement blocks, each bearing the autograph of a film personality.

He's dubbed the exhibit 'Wall of Fame' and will make a big affair of it at the unveiling.

MIXING UP ORCH DIET WITH VAUDE

Cleveland, Oct. 22.

Straight schedule of swing bands at the RKO Palace will be broken up and given more variety by five vaude shows that Nat Holt, zone manager, bagged on recent expedition to New York.

Long off-and-on-again deal with George Jessel was finally tied for the week of Oct. 25 after a month of dickering. Show, including half-dozen Hollywood players, had been all lined up for an earlier date, but Holt refused to sing until Jessel's wife, Lois Andrews, was back in the cast.

Xavier Cugat's crew going into a Latin-American revue being built by Dave Bines, RKO producer, for Nov. 1 solves another in-again, out-again case. Mix up came when Xavier first planned a hotel appearance at Statler's Cuban Terrace Room prior to Palace date, but it was ironed out when he dropped negotiations with hostelry. Danny Kaye, Raoul and Eva Keyes are being added to this production.

Getting one of season's better grosses out of 'Ball Ball' girl revue last week, Holt is following it up week of Nov. 8 with another oomph jamboree tagged 'Streets of Paris' from New York World's Fair. Expected to clinch a buy this week by Michael Todd's 'New Orleans,' also from the Manhattan Expo, for a late November booking.

Woody Herman is the only other name bandmaster slated for next month, Nov. 15, with Luella Parsons' unit set for Nov. 22. Latter to consist of Bennie Barnes and her husband, Mike Frankovitch, Brenda Joyce, Ilona Massey, Robert Stack, Sabu and Bill Orr.

Charlie Flagler, KSO, Des Moines, Iowa, who is just finishing a year of broadcasting for Hiland potato chips, has made 132 personal appearances during the year. Flagler is an old-time Keith-Orpheum vaude actor, having traveled with his wife in a song and piano act known as 'Charlie and Ruth.'

ACTS HOPEFUL OF BIG UPBEAT

However, Many of Plans on Preparation Are Still in Blueprint Stage—Greater Need for Entertainment Stressed

NITERIES CLIMB SEEN

Variety talent is hopefully looking forward to an upbeat in its employment ranks as soon as the Government's defense spending finds its way into the spenders' pockets. At the present time, most of the U. S. plans to build up its army, navy and air forces are still in the blueprint stage.

Besides the expected great activity in armament, uniform and plane building factories, the talent also figures on a greater need for entertainment in those towns and cities near military camps and naval bases. It's being taken for granted that niteries will augment their floorshows when the service boys begin to rock in.

As was proven during World War I, soldiers and sailors go for live entertainment. Equity, fact, is already planning a program of cooperation with the Government in staging cantonment shows. Niteries and vaude talent is figuring on cashing in on this also, but its big hopes are pinned on the privately-operated niteries and even theatres catering to the uniformed forces on furlough.

Tacoma Busy

Tacoma, Oct. 22.

With thousands of National Guardsmen—and what's expected will soon be many thousands of draftees—at Fort Lewis, in the vicinity of Tacoma, this locale, near the barracks, is showing life it hasn't known in years. Already three new night clubs, using bands and floor shows, have opened.

Len Mantell, of the local Bert Levey offices, reports booking the following new clubs: 1518, Happy Days, and Vienna, all in Tacoma; Silver Dollar, Grand Coulee, Twin Bridges roadhouse near Yakima, and Valley Tavern, Lewistown, Ida. Generally, three acts, changed weekly or bi-monthly, are used, together with emcee and band.

Yakima, 30,000 pop, now has three night spots using floor shows; Tacoma has four.

New Seattle Club

Seattle, Oct. 22.

Seattle's new club, the Golden Pheasant, a \$40,000 eatery, is readying a floor show.

Cafe is located in the southern industrial area, not far from Boeing's huge aircraft factories, which are currently humming to meet U. S. orders.

FEFE FERRY SUED BY GLEN POPE ON CONTRACT

An action by Glen K. Pope, American actor, against Fefe Ferry, former European producer, now operating Fefe's Monte Carlo and Cafe Pierre, N. Y. niteries, was revealed Wednesday (16) in N. Y. supreme court. Suit asks \$3,375 for alleged breach of contract.

Plaintiff was hired in July, 1934, for a production opening in Monte Carlo at \$225 weekly for the duration of the European run. It is alleged Pope was fired Oct. 3, the day before the same show opened in London, latter running for 15 weeks. It is for those weeks that the action asks damages.

Defense asserts that the defendant was acting for the Societe des Bains de Mer when he engaged the plaintiff, and if there is any liability, it is the Societe's and not Ferry's. It is also claimed that London, England, is not Europe, so that the actual wording of the contract 'for the duration of the run in Europe,' has been fulfilled.

Kelly Revives Philly UEA to Battle AGVA, Taking 7 B'd Members With Him; Bookers' Org Caught in Middle

John-Frederic Stand-In

Among gadgets at the new Cafe Society Uptown, N. Y., are reproductions of hats from swank milliners painted on the mirror behind the bar. Management promises to change 'em monthly, to keep up with the styles.

Gag is that you can stand in front of them and see how they'd look on you.

CHORUS, BOOZE BLUES HIT LYNCH

Philadelphia, Oct. 22.

When it rains it's a deluge, according to Jack Lynch, operator of one of the city's leading niteries bearing his name. On Thursday night (17) eight glamour girls' members of his line walked out on strike for shorter hours. Lynch burnt the wires getting replacements.

Just when he thought everything was straightened out, bad news struck again. The next day he received word that his spot had been cited once more by the State Liquor Control Board, on the charge of selling booze to intoxicated persons and presenting entertainment after the curfew hours. It was the third citation on similar charges in a little more than a year.

The first resulted in a 60-day suspension in July, 1939, which was compromised by the payment of a \$600 fine. On the second, last January, Lynch paid a fine of \$900 in lieu of a 90-day suspension. Hearing on the present charges will be held before the local board examiner on Oct. 30. Owner of the spot was listed as Evans Burrows Fontaine.

Lynch's latest citation makes it almost a clean sweep for the board. Two weeks ago virtually every other central city night spot was listed as having violated the law against after hours booze selling.

Al Donahue Gets Funny And Winds Up in Bed

Al Donahue was forced out of the stage show at the Flatbush theatre, Brooklyn, last Tuesday night (15) by a wrenched back. He suffered the injury while playfully assuming the role of understander for the Carr Bros., balancing turn, which was on the bill with his band. Leader was taken home after the supper show that evening and is not with the outfit this week at the Windsor, Bronx, another Brandt house.

Phil Brito, band's vocalist, is leading in Donahue's absence. Leader doesn't expect to work until Saturday (26). He's scheduled then for a one-nighter at the Variety Club, Columbus, O. Band goes into Baker hotel, Dallas, for two weeks Nov. 8.

Punctures Balloon

Jamestown, N. Y., Oct. 22.

Despite arm wound, Ilo Mendez, balloon dancer, completed her turn in floor show at Celoron Park Pier ballroom Thursday (17). The 19-year-old entertainer was wounded accidentally by partner, who exploded balloons during act with soft missiles shot from gun.

Treated at hospital afterward.

Philadelphia, Oct. 22.

Tom Kelly, ousted two weeks ago as executive secretary of the Philly local of the American Guild of Variety Artists, on Friday (18) declared war on the union—and it looks like a fight to the finish. Kelly set up his G.H.Q. in the Shubert building, right down the hall from the AGVA offices, and confidently announced he would have the bulk of the AGVA members under his wing before the next couple of weeks roll by. Kelly has revived the United Entertainers Assn., independent outfit which he dissolved on swinging over to AGVA. He said that the UEA would remain independent and scotched reports he would affiliate with the CIO.

Seven members of the local executive board of the union took a powder and followed Kelly back to the UEA. The board members who took a walk were Jack Spangler, Joe Burns, Harry Lewis, Kli-Ban, Dick Jones, Joseph Campbell and Al Rea. Kelly also boasted that 90% of the AGVA membership here, plus 'at least a half dozen' other board members, were behind him.

'We don't need AGVA in this town,' Kelly declared. 'We got along okay when we were an independent union and we'll get along now.' Kelly also said he had received a pledge of cooperation from the agents and cafe owners here. A meeting will be called in the near future at the UEA clubhouse to vote on policies and elect officers, he said.

Meanwhile, Lee Traver, who replaced Kelly as executive AGVA secretary, said his organization would ignore Kelly 'unless he started some trouble.' Traver said Kelly's group would have no standing in the labor movement here and could expect to receive no cooperation from other unions affiliated with the American Federation of Labor in the event of a showdown. This applies to the musicians union, bartenders, waiters and allied groups, who would be honor-bound to side with AGVA against an independent organization like UEA.

EMA in the Middle

Caught between the crossfire is the Entertainment Managers Assn., organization of bookers. With performers in Philly now holding cards of two organizations, the temperancers are in a dither and are expected to take an attitude of 'a plague on both your houses' and recognize neither group.

At a meeting Thursday (17) most of the members went on record against dealing with either union. Protected by the state, through licensing, the bookers will refuse to use AGVA or UEA contracts and hereafter will discontinue the practice of hiring only union performers.

Traver, however, pointed out that most class acts are AGVA members and they would refuse to work with non-union entertainers.

The EMA re-elected its roster of officers for the coming year. They are Jack Mazer, president; Roy Cross, vice-president; Joseph Smith, treasurer, and Madeline Woods, secretary. Five members of the board were also re-elected.

HOOFERS' 25G LIBEL SUIT VS. PEEK MAG

Jeanne Francis and Jerry Grey, dancers, filed a \$25,000 libel action Thursday (17) in the N. Y. federal court against Billbara Publishing Co., Inc., publishers of Peek magazine. Plaintiffs claim that in the August, 1940, issue of Peek, photographs of them were published which showed them, 'not as creative dancers, but as crazy and fanatic dancers.'

New Acts

CHARLES LAUGHTON
Tall, Dramatic
12 Mins.
Keith Memorial, Boston

Here's one Hollywood star who knows how to talk to his fans, how to make them feel better acquainted with him and how to keep them entertained. So informal and casual is Laughton in his personal appearance that there is no intimation of studied routine. Result is about as near as one can come to a one-way chat with a house full of 3,000 or more customers.

Since this house is on a straight film policy and Laughton's appearance was for two shows only in connection with the showing of "They Knew What They Wanted," the star had no benefit of musical or production buildup. This only added to the effectiveness of his offering, which consisted of bits from such of his films as "Mutiny on the Bounty," "Beachcomber" and "Ruggles of Red Gap." Best bet is his impression of Captain Bligh, taking a different scene from that habitually chosen by Laughton impersonators, and his rendition of the Gettysburg Address. Laughton had them teary-eyed with the Gettysburg delivery.

Filmster gave 'em two recitations and then scrambled, but the demand for encores brought him on several times until he had to beg off. Business of scratching his head and otherwise looking folksy is a good note, but the smartest of all was motioning away the stage mikes and really filling the house with a human and un-canned voice. That's a novelty in almost any theatre now. Fox.

ROMO VINCENT
Comedy, Songs
15 Mins.

Paramount Theatre, N. Y.

Romo Vincent, portly comic, is doubling into his first shot at the Par from the Hurricane niterie. He has clicked at the latter spot, but on this stage he has not made his stuff home with the same effect. There's not much fault to be found with his delivery, or for that matter with the material, but for some reason the stuff he uses just doesn't make much impression. He got a nice reception from a warm audience, however. The difference between sock and so-so may lie in the comparison between an intimate room and a multi-seated theatre.

Comic uses his "Blow Gabriel, Blow" bit for an opener, then goes into "Keep Rolling," a bit based on hack drivers' experiences. He rhythmically rolls his body during the tune and rocks the Par's elevator stage enough to be noticeable. Not enough people caught it, though, for the desired effect. Cowboy song comes next. It's broken by a few quick and funny recitations. Finishers are "Fifth Avenue" and "I Am an American," both done with interpolations. His voice is strong. Wood.

RUBY RING
Centorlist
4 Mins.

Loew's State, N. Y.

This kid is a knockout specialty, either in front of a band or in a floorshow. Some of her rubber-bone work is actually startling, but never offensive. She's a young strawberry blonde, works on a miniature stair platform and a couple of pedestals, and runs through a surprising number of sock tricks in short order. This audience liked her. Scho.

FRANCES LANGFORD-JON HALL
Songs
15 Mins.

Paramount theatre, N. Y.

On her third trip to this house, Frances Langford is accompanied by hubby Jon Hall, the pair serving up an approximate quarter hour of songs and conversation that stacks up as the brightest spot on the bill. Despite the singer suffering with a cold, she handles her vocaling in easy, practiced style. It's only in the opening "Broadway Rhythm" that any effects of the cold show through. Hall comes on following the singer's opening number and reveals in numerous ways that he hasn't had much p.a. experience. He falters in handling lines, forgets titles of tunes, but it's all done in a smooth-voiced sort of bashful way which sets him in solid with an audience. His tail and nice looking appearance helps. Another thing the chair holders apparently eat up is the man and wife tele-a-teting on stage. It's done lightly and sincerely.

Pair do one tune in duo, "And So Do I," Hall apologizing for a voice that comes over okay. Before hopping to Miss Langford's side he gets in a few giggles by bawling the band, calling for stuff that isn't forth. Finishing with the declaiming "I'll Never Smile Again," handling it for all it's worth. Wood.

LOIS ANDREWS
Singing
20th Century, Buffalo

Lois Andrews' contribution to George Jessel's current "Hollywood Stars" presentation is so brief as to barely warrant including under New Acts. After frequent allusions to his May-December romance throughout the routine, Jessel brings on his wife with a properly modest introduction. She goes almost immediately into "Madame LaZonga" for a straight rendition of the number without frills.

This much publicized Broadway show girl turns out to be a pleasant and wholesome appearing young woman of the statuesque type, displaying an undistinguished contralto, and in her stage presence and singing, revealing a wide unfamiliarity with solo stage work. Although inclined to be ungainly, she is nicely groomed and appears naturally conformed with plenty of facial and physical pulchritude.

But if she intends seriously to make a bid for theatrical honors, on the basis of her ability as displayed here, she had better stick close to Jessel, whose fringe of comedy gags furnishes a necessary assist in the display of his, wife's otherwise so-so talents. Burton.

JERRY AND TURK
Dancing, Comedy
Yacht Club, Pittsburgh

Couple of screwballs, this brother-sister comedy originally jittering champs, have enlarged their scope, their act and also their audience. Surefire, but strictly for the cafe belt. Their stuff has neither rhyme nor reason; it's just a smattering of smartness—beginning piddon to Oscar Levant—and practically all of it in the groove. Some of the turn is superlative and team has a tendency to pad too much if the audience is with them.

Male half is a little bit of Milton Berle, Joe E. Lewis and a couple of

the Ritz Brothers, mixing gags, hoke songs and hoofing, and gal's a dizzy duenna who could be attractive, but sacrifices that quality for outlandish poses and facial contortions. She works with audience as well as to it, and they use a men's room attendant for a stooge in a scene where she slyly nudges somebody else around who'll come out willing and uninhibited. Act doesn't fall into any specified category, but it is an act—definitely—and a good one, for niteries. Cotten.

J. CARROLL NAIASH (2)
Talk, Singing
Mins.—One

State-Lake, Chicago

Film character, usually a villain, comes to the stage with a good personal appearance routine. He is one screen person who knows how to walk on a stage and how to talk to an audience. Opens with a line of strictly variety gags about an evening tour of the city, and then a girl plant on from the audience for some love-making clowning. Girl is cool to the romantic approach, but warms up when he gives her an effective boot. It's a moneyless little item, but it fills out the time.

For the windup, Naish unleashed a satisfactory pair of Irish tonsils to give the audience an Irish yodel. In all, he makes an effective and satisfactory appearance, and should make good on his own with any audience. Gold.

DUKE ART
Clay Artist
6 Mins.

Loew's State, N. Y.

This type of act has been absent for years and could now be a novelty. Art, however, hasn't routinized his turn properly; the first half being just a complete waste of time. It's doubtful whether sufficient people are interested in the clay sculpture of a baby and Sitting Bull, but interest at this catching immediately perked up by the portrayal of a pretty girl and finally Uncle Sam.

Benny Davis introduces Art as the son of a former vaude headliner, but doesn't give merely Art's and this may be the connection.

Duke Art is a nice looking youngster of pleasing personality. He has some things to say, but this should be strengthened, possibly for laughs. In that way he might work into something of a demand. His act was old yesterday, but it's new today. Scho.

THE CABARETERS (2)
Comedy Acrobats
6 Mins.

Loew's State, N. Y.

Benny Davis introduces this team as from South America, but only one of them looks Latin. Outside of the distinction of being from below the equator, they have nothing on a great number of American acrobatic turns.

None of their tricks is new or startling. They try for comedy, but only the drunk routine of one of the boys sets close to the bull's-eye. At that, this routine isn't exactly new, but it's new to niteries.

They aren't a very strong next-to-closer for Davis' latest unit. Scho.

FOUR WHITSON BROS.
Comedy Rhythmic
6 Mins.

Strand, N. Y.

Here's the type of act vaude has been crying for—a comedy novelty that can either open or close a show to some success. Besides the laughs, they have an assortment of startling tricks to stamp them as experts.

Two of the men look to be in their 40's, while the others are comparatively young. One of the knock-about school, a Diamond Bros. in ringleader.

Understander juggles and tosses two and three men at a time, the triple coming for a strong blow-off. They were a very definite click here. Scho.

HARRY ROGERS SUING SUNBROCK ON RUNOUT

St. Louis, Oct. 22.

Business and theatrical establishments of this city are looking for Larry Sunbrock, who skipped out of town leaving a flood of unpaid bills following the production of his National Rodeo and Thrill Show in Sportsman's Park. Radio stations, printing firms, etc., have bills receivable from Sunbrock, who is now supposed to be in Chicago, Cincinnati or Cleveland.

Harry Rogers, who was associated with Sunbrock in the Thrill Show, has started legal proceedings in Chicago to obtain his share of the proceeds. Rogers asserts in his suit that Sunbrock ran out on him without paying money due him. It is understood that the Federal authorities had to seek out Sunbrock in Cleveland to get the Government's tax money after Sunbrock left St. Louis suddenly and immediately after the show.

It's reported that the American Guild of Variety Artists is investigating Sunbrock.

Unit Reviews

HOLLYWOOD HOTEL

(STRAND, SYRACUSE)

Syracuse, Oct. 19.

Bobby Morris, Wilma Horner, The De Oros, Barbara Vernon, Dignmond Brothers, chorus (14), Myron Levee House orch; "Gangs of Chicago."

The blue pencil marks of the censor—to meet the requirements of audiences which have been built up at this house by the class offerings of recent weeks—are pretty evident in Harry Howard's new edition of his "Hollywood Hotel Revue." But despite all the censoring, enough gets by and there is such an expanse of flesh exposed that this revue still can't conceal the fact that it is at least partially dear old burley. A rose by any other name, etc.

As this type of show goes, however, it's far in advance of the old burleys the town used to see years ago. It has a 14-girl line of youngsters who are all lookers and can dance and sing, much to the surprise of the a.k.'s who quickly found out at this catching what Hollywood Hotel was really about.

From a production standpoint, it packs class. Costumes and scenery are fresh and clean. And Bobby Morris, chief comic, is nifty in his blackouts, even with the blue lines eliminated. He gets good assistance from Wilma Horner.

Dancing is the forte of the troupe and the De Oros, in a heel-clicking Spanish tango, pace the first half of the show, in which Barbara Vernon does okay on vocals. There isn't much subtlety to the Diamond Brothers' simple over-the-rod routine, but even the primmest old maids in the house must surely have gotten a laugh out of their Rubie Goldberg dance routines and gags.

Among the production numbers, Lee Kelson is outstanding. And the Ziegfeld tableau, with songs by quick-change to a "Showboat" number, with the Six Harvest Moon champion jitterbugs in the spotlight, provides a strong finale. Scho.

THREE CHEERS

(BROADWAY, CHARLOTTE, N. C.)

Charlotte, Oct. 15.

Eddie Rickard, Mirth and Mack, D-Esped Trio, Don and Jane Ford, Barney Grant, Bob Pope's Band (7), Line (10), "Millionaires in Prison" (RKO).

Presenting a fast-moving, 55-minute revue that is nothing but a strip act to have registered socks with local stage-show fans, "Three Cheers" scored high with these customers.

Barney Grant, emcee, clicked with his easy, clever patter. Eddie Rickard scored with his unusual shadowgraph turn in which he transforms his fingers into varied and sundry objects in a clever shadow skit. Don and Jane Ford turn in an above-average tap routine in the opening. Their vocals are mediocre. The D-Esped trio, hand-balancing, drew top plaudits with their deftly executed turn. Mirth and Mack, dance team and mimics, were well received for their dancing, but their imitations of such celebs as George Arliss, Jimmy Durante, Groucho and Harpo Marx didn't get commensurate return.

The stock line, which came to the show directly from the Tower theatre, Kansas City, is far above the average seen here. They're on for three appearances. Bob Pope's band plays from stage. Chuck Johnson stepped down from the band to vocalize "Sierra Sue" with the line in the background.

House did fair biz on show caught. Just.

REMOVING THE BOUNCE

Ex-Vaude Comic Traps Rubber Check Passers for Niteries

Hollywood, Oct. 22.

Checks that bounce around in night clubs are having some of their resiliency removed through a device by Eddie Tierney, one-time vaude comic. Having been on the receiving end of enough stuffs to force closing of his own eyes, Tierney set out to do something about it to protect other struggling entrepreneurs.

Several weeks ago he set up shop, a kind of clearing house for larcenous readers. Each evening he serves his niterie-clients with lists carrying the names of those who passed spurious paper at some joint the night before. He gets his info from the operators themselves, who generally catch the stuffs on the first bounce at the bank next morning. Tierney says his service has saved the night spots thousands of dollars every week, by being able to spot the rubber before it bounces.

Waiters' Strike Shuts Carroll's Hollyw'd Niterie

Hollywood, Oct. 22.

Earl Carroll closed his niterie for an indefinite period as a result of a labor clash with his waiters, who demanded a raise from \$2.50 to \$3.50 per night. Cooks and bartenders walked out with the waiters and tossed a total of 403 persons, including actors and musicians, out of work.

Carroll asserted that he was paying the same wages as other niteries and that his payroll for waiters consumes \$3,000 out of a total of \$10,000 per week. Union heads came back with a statement that the waiters and voluntarily reduced their wage scale from \$3.50 to \$2.50 during the summer months to give the management a break. The contract expired Oct. 1, and the union demanded the restoration of the regular rate, which is mandatory when the waiter is not allowed to collect the customer's bill. Under the Carroll system the money collected at the door, and the only percentage a waiter gets, is on tips.

Officers of the American Guild of Variety Artists insisted that there were several problems to be worked out before the actors return to work. They will stay out as long as the waiters and other allied crafts remain on strike.

• 15 YEARS AGO •

(From VARIETY)

Bert Fitzgibbon made himself "disagreeable" and consequently other acts in the troupe with which he had been playing at the Majestic, Dallas, through the threat of a "strike," forced Fitz from the bill.

Francine Larrimore was to open in a sketch, "The Nightingale," authored by Michael Arlen, on the Keith-Albee circuit. Max Gordon and Al Lewis were producing, with Arlen reported to be receiving a weekly royalty of \$250.

Sigmund Breitbart, the strong man, died in a Berlin hospital of blood poisoning as the result of what at first was a mere scratch inflicted by a nail on his knee. Doctors were forced to amputate the leg.

William Morris, upon his London visit, completed arrangements for the American visit of Sir Harry Lauder. Tour was to be for 26 weeks.

Ethel Levey was to make her debut as a cabaret performer, doubling into the Embassy Club, London, from her vaude appearance at the Victoria Palace, at which she scored strongly. Also click on the Palace bill were Noble Sissle and Rubie Blake.

The chill that had developed of recent years between Marc Klaw and A. L. Erlanger cropped up again with the \$100,000 suit filed by Klaw against his former partner for funds in dispute between the two.

A famine of names in U. S. vaudeville was attributed to the number of vauders in musical comedies and the inroads made by pictures.

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CURFEW BLACKS OUT PHILLY NITERIES

Philadelphia, Oct. 22.

Philly law enforcement authorities spread their blitz from the honkey-tonks to the swank spots over the week-end, and for the first time in recent history the night club sector suffered a complete blackout at Saturday (19) midnight. Apprised that the city fathers and the State Liquor Board meant business in their edict that the Sabbath curfew was to be obeyed, operators of the downtown spots closed down their bars as the clock struck midnight and asked their patrons to leave.

When the Broadway Squad of the detective bureau arrived, they found most of the places darkened and the customers gone. The closing order, made by the Mayor on the eve of election at the demand of church groups, was a bitter pill to the harried niteries nabobs.

Philly is a notorious one-night burg. Saturday night is the one big purple night. With theatres and film houses breaking at 11:30, it gives the niteries only a half hour in which to do the bulk of their biz.

Last Saturday was a particularly big night. With crowds downtown celebrating the football victory of Penn over Princeton, the clubs were jammed to the gills. Tapes were taken out of camphor. Jack Lynch's, the Ball, the Embassy and others were turning them away. The patrons were in a spending mood—but at midnight sharp they were told that 'school was out' and they had to leave.

City Hall grapevines declare that the lid will be on until after election, which means that much of the lucrative football trade will be lost.

Richman-Tucker-Lewis Out of Riviera and Into B'way State for 2 W'ks

Harry Richman, Sophie Tucker, Joe E. Lewis, and the Chandra-Kaly trio of dancers, all currently at Ben Marden's Riviera, Fort Lee, N. J., have been booked into Loew's State, New York, beginning Oct. 31. Quartette is set for two weeks, but the accompanying film will change each session. Second-run 'Howards of Virginia' (Col) is set for the first stanza, second being undecided yet.

Name trio have been at the Riviera since August. Spot folds this month for the season.

'Ranger' Suit

Continued from page 3

Wyche, Spartanburg, is expected to hear the case.

Circus recently returned to winter quarters at York, S. C. 'Papers were served about 60 days ago.

Judge Green also ruled that Cox and Powell be restrained from committing any of the acts barred by a decree handed down by middle Pennsylvania federal court in June, 1939. Cox, then doing business as Barnett Bros. circus, and Powell were permanently enjoined by the Pennsylvania decree from (1) using 'Hi Yo Silver' or 'Hi Yo Silver, Away', in any printed advertisements or radio broadcasts connected with appearances of 'Powell' (2) from using name and title, 'The Lone Ranger' in any form except in connection with former employment of Powell by Republic Productions, Inc., as individual who portrayed the character, Allen King, in film, 'The Lone Ranger', and who unmasked as 'Lone Ranger' in serial's 15th chapter; (3) from announcing, advertising or representing that Powell ever played 'Lone Ranger' on any of plaintiff's radio programs; and (4) from any representation that Powell is or ever has been identified with broadcast.

Complaint claims upwards of \$10,000 has been spent by Plaintiff in exploiting 'The Lone Ranger' and plaintiff has issued licenses to many manufacturers of goods to be sold under 'The Lone Ranger' trademark.

Vaude Plus Burley

Youngstown, O., Oct. 22.

The Grand, burlesque house here, reopened Friday (18) after a four-day shutdown with an all-new policy.

A four-act vaude show is being introduced between the regular burlesque schedule, making two completely vaude and burlesque shows on the daily program.

THURSDAY BOW A VAUDE TREND

There's a trend towards Thursday openings in the vaudfilm houses. Latest to switch from Fridays to a day earlier are the Roxy, New York, and Hipp, Baltimore. Both spots made the change in an attempt to bolster the usual end-of-the-week slump.

Loew's State, New York, has long been a Thursday opener, with this circuit's Capitol, Washington, also changing to that day. On the other hand, the Paramount on Broadway changes on Wednesdays, while Warner's Strand is still sticking to Friday openings.

For a long time vaude houses opened on Mondays. Then they switched to Saturdays and then to Fridays. With the trend now to Thursdays and even Wednesdays, it's possible they'll get around again to Monday openings.

N. Y. AGVA LOCAL SETS PETE WELLS AS PREZ

Results of election of officers and board of the New York local of the American Guild of Variety Artists were announced yesterday (Tuesday) by the union. Ballots had been chiefly sent in by members of the board chosen were Pierre Beaucourt, Ray Bourbon, Tyler Carpenter, Edith Delaney, Dianne Del Rio, Thelma Flowers, Moya Gifford, Winnie Gray, Luba Kowalska, Bill McGowan, Carol Murphy, Audrey Noonan, Sergio Orta, Mack Pearson, Hattie King, Reavis, Alma Ross, Helen Sanford, Elizabeth Savage, Jay Seiler, David Sorin, Constantin Tarrant, Nate Ward and Dorothy Wenzel.

Those elected were Peter Wells, president; Elton Rich, Romo Vincent, Hazel Scott, Sydney Chatton and Eddie Bartlett, vice-presidents; Chas. Arno, recording secretary, and Sam Kramer, treasurer. Members of the board chosen were Pierre Beaucourt, Ray Bourbon, Tyler Carpenter, Edith Delaney, Dianne Del Rio, Thelma Flowers, Moya Gifford, Winnie Gray, Luba Kowalska, Bill McGowan, Carol Murphy, Audrey Noonan, Sergio Orta, Mack Pearson, Hattie King, Reavis, Alma Ross, Helen Sanford, Elizabeth Savage, Jay Seiler, David Sorin, Constantin Tarrant, Nate Ward and Dorothy Wenzel.

Saranac Lake

By Happy Benway

Saranac Lake, Oct. 22. The passing away of Tom Mix saddened the colony. He had made two visits here and cheered up the gang plenty.

Thanks go to Phil Harris, Leonard Grotte, Joe Laurier, Jr., Weaver Bros., Elviny, Arthur Holmes, Frank Miller, Eddie Vogt, Eddie McDonald, Billroy's Comedians, Emmett Miller, Paul Welch, Walter Winchell, James Lee, John S. Driscoll, Thomas Kelly, Leola Maxwell and the trade papers who have taken time out to send cheer to the colony. Festival, under the auspices of the Lion's Club, will give funds for the betterment of the William Morris Memorial park.

Cliff Heather, who was okayed to leave the Will Rogers, will cottage it downtown for the balance of the winter. Frau and little daughter will be with him.

Niece of Ned Cady, bridge-expert, to spend his spare time at the Rogers showing the inmates how to lead their aces.

Eddie (Will Rogers) Dowd and Bryce Lavign are working on a new patriotic name entitled 'Here's Me, Uncle Sam, I'm Yours'.

Why not a postage stamp with the picture of Will Rogers. He packed a mess of Americanism and good-will.

George Sullivan, who owned a couple of show-shops during the silent picture days. East Boston, Mass. here to visit his daughter, who just received a go-home report.

Arthur Crouch, who vacated here for years and designs the front covers for C. C. C. sent 'I'll see you all soon' greetings.

Write to those who are ill.

PITT STANLEY FINALLY CLOSES 'SCANDALS' DEAL

Pittsburgh, Oct. 22.

Deal was finally closed over week-end between Stanley theatre and tab version of George White's 'Scandals', which will bring show here Nov. 1 to resume stage shows at WB deluxer. Had originally been booked in for this week, but boys couldn't get together on price.

Stanley hasn't had a show since the Mickey Rooney unit last month, which in turn had been house's first vaude in four months. Permanence of policy still hasn't been determined, and it's unlikely that big-seater will go shows whole-hog. More probable that it will move along under an alternating policy of straight pix and combo.

Anyway, Harry Kaimine, zone manager for WB, is currently in New York trying to line up some name bands so shows can at least run solidly for a few weeks after 'Scandals' plays here. Revue was at Nixon last season at \$3.30 top.

Douglas Gilbert's 'American Vaudeville' Book an OK History

'American Vaudeville (Its Life and Times)' by Douglas Gilbert (Whittlesey House, \$3.50), which goes on sale tomorrow (Thursday), is the first 'complete' history of the variety theatre in the U. S. to come off the presses. It's an interesting tome representing around seven years of research and writing on the part of the N. Y. World-Telegram feature writer, but it plainly shows the marks of drastic cutting. Originally 150,000 words, it's only about 90,000 in finished form.

Gilbert painstakingly carries vaude up from the 1870's to its demise in the 1920's, but it's evidently the later and more colorful era that took most of the scissoring. Latter, it's understood, was carried out on order by the publishers, who didn't want to stretch the history to two volumes.

Marcus Loew, a pioneer of the five-act continuous bills, is given a complete brushoff as Pat Casey, while too little is included on such colorful showmen as Mike Shea, Sullivan & Considine, Pantages, Sylvester Poli and F. F. Proctor. E. F. Albee is taken over the hurdles, but Martin Beck is whitewashed and Eddie Darling is given a terrific puff. This is in sharp contrast to the paucity of data on S. K. Hodgdon, Keith-Albee's head booker for years. Latter was sharply underpaid in contrast with others who later held the job, but Albee saw to it that the NVA paid for a plaque in Hodgdon's memory which was posted in the west 46th street clubhouse.

Book includes excellent chapters on the late Eps W. (Chicot) Sargent, Nora Bayes and Eva Tanguay, plus data on and bits of a very large number of acts, especially those who were tops before and during the Tony Pastor era. In this respect, and in the chronicle of some of the better afterpieces, it represents a good reference volume. There's also an extensive reference to VARIETY and Sime Silverman.

Dante Sets Stock Date, Then Tours in Vaude

Harry A. Jansen, better known as Dante the magician, is laying off this week after playing six weeks at the Morocco, New York. His 'Sim Sala Bim' magic show will play Maplewood, N. J., next week (28). Thereafter four weeks of vaude appearances are planned. Jersey date is expected to be a test engagement, idea being to find out if magic shows will be patronized outside of N. Y. It is proposed to return the show to Broadway in December.

Morocco engagement was a bit too highly geared and the ticket sale a bit too steep for magic. Stated that had the show grossed \$500 more weekly it would have remained indefinitely. That figure was the average loss per week.

Jonas Joins MCA

Dave Jonas has joined the talent department of Music Corp. of America in New York under Phil Bloom. He was formerly with Bill Miller.

'Streets' Is Biggest Vaude Unit Set, 45 in Cast; Getting \$7,500 Weekly

Marden's Fla. Spot?

Miami, Oct. 22.

Reported here that Ben Marden is negotiating to take over Hollywood Country Club in Hollywood, Fla.

Idea is to install his current Riviera roadhouse show (Sophie Tucker, Harry Richman and Joe E. Lewis) for the winter season.

2 CHI HOUSES LINE UP NAMES

Chicago, Oct. 22.

Nate Platt, Balaban & Katz booking manager, has set a flock of names for both the Chicago and State-Lake. Leads off for the Chicago this week (25) with Betty Grable and Ken Murray, who will hold for two weeks. Nov. 8 brings in the Louella Parsons unit, followed by either Abbott & Costello or Orrin Tucker-Bonnie Baker.

On Nov. 22 come the Xavier Cugat orch and Ray Bolger and Kately another headliner. Nov. 28 has Jon Hall and Frances Langford, and on Dec. 6 the Andrews Sisters return.

Across the street in the State-Lake, the lineup has Clyde McCoy's orch for Oct. 25, the 'Hollywood on the Loose' unit for Nov. 1, Charles Barnet orch. on Nov. 8, a Major Bowes amateur unit on Nov. 15. Nov. 22 week is still to fill, while Will Orkner's hand is set for the week of Nov. 29.

British Kids

Continued from page 1

London. Hicks and Bates spoke three minutes before air time and arranged that each child was numbered to conform with the number of the waiting parent. It looked for a moment as if an error had been made when the 'mummy' of one Elaine could be heard saying, and repeating, 'that's not my child.' Finally the American end brave Elaine nearly broke down at that. Finally her father came on and identified her.

Children were quite undismayed by the presence of photographers and lights. They concentrated on their earphones, only one ogling the cameras. Americans noted with wonder the poise and politeness of the kids who are developing into perhaps the best sentiment-winners for England. Most of the dailies have since carried layouts of the young faces registering all degrees of emotion.

George Hicks took the gang downstairs afterward for ice cream, and one English lad remarked 'I don't want ice cream, I don't like it.' So instead he had ginger ale, a dish of jello, a piece of cake and a slice of honeydew melon.

Jock Whitney

Continued from page 3

development of a big demand for U. S. product from the other nations of the Western Hemisphere, but little has been done to help exporters round up Latin American customers to replace the lost European and Asiatic centers.

Just what the U. S. Government will do—or can do—to promote closer accord between the Western Hemisphere countries by way of films remains to be seen. Whitney remarked that 'a big research job' must precede formulation of any plans, though he indicated he has some ideas for later action. Mostly along the line of advising American producers what sort of screen fare to offer the Latin Americans, rather than undertaking any selling job in the other countries.

Termining films 'great ambassadors', the 'GWTW' backer suggested that newsreels and travelogs will be plugged at the outset, but that any cinematic sermonizing will be discouraged. He remarked that 'good craftsmanship and good movies, suited to South American tastes,' will be valuable in linking the various nations more closely and developing the hemispheric solidarity which is the goal of the Good Neighbor policy.

Biggest vaude unit set thus far this season is 'Streets of Paris', which will tour the picture houses under the auspices of Bill Miller, though showing for Mike Todd at the New York World's Fair. Unit will have a cast of around 45, and Miller is getting \$7,500 weekly plus an average.

Opening date will be at RKO's Boston, Boston, the week of Oct. 31. Palace, Cleveland; Colonial, Dayton; Palace, Columbus; a week split between Akron and Youngstown, and the Fox, Detroit, follow in the order named. There's also a tentative deal for 'Streets' to go into the State-Lake, Chicago, Dec. 15.

Sid Marion and Cliff ('Sharlie') Hall, who replaced Abbott and Costello when the revue originally went on tour for the Shermans prior to the World's Fair stand will head the unit for the vaude dates. Max 'Think-a-Drink' Hoffman, who also was in the original show, returns to the cast. Other talent will include the Hytton Sisters (2), Frank and Jean Hubert, Ernesto and Talia, Petch and Deauville, Ann Crosby (Bing's niece), Don Richards and Peggy Alexander. Ensembles will total 16 girls and eight boys.

Aside from 'Streets' and the Coast film-player units headed by George Jessel and Louella Parsons, the only other big unit thus far set for this season is Harry Howard's new edition of his 'Hollywood Hotel Revue.'

Thompson's Illness Further Delays AGVA Accord With Theatres

Illness of Major Leslie E. Thompson, of RKO, has further delayed the signing by New York vaudfilm theatres of a 'closed shop' agreement with the American Guild of Variety Artists. AGVA expected to meet with attorneys of RKO yesterday (Tuesday) afternoon to see if the deal can't be signed without Thompson's presence.

It's conceded by all the theatre men that the agreement, which would run for five years up to Sept. 30, 1938, is okay by them. However, the circuit and indie ops had decided that they would sign in concert and not individually, hence the delay because of Major Thompson's illness.

LAW STYMIES BURLEY POLICY IN ST. LOUIS

St. Louis, Oct. 22.

The Tropical Amusement Co., headed by Sam Reider, vet' showman, will not be permitted to reopen the Shubert-Rialto theatre in midtown until it convinces License Collector Fred A. Renick that the performances will not be objectionable or that 'low burlesque and strip-tease artists will not be presented.' The skidded opening of the house Thursday (11) was stymied by squawks from the clergy of two nearby churches and the faculty of a Jesuit college. When Reider, appealed to city authorities he discovered that two moss-covered city ordinances had not been complied with.

He quickly conformed to one that requires the approval of property owners in the same block and Friday (18) the Director of Public Safety found the building was o.k. from a safety standpoint. Reider and his attorney guaranteed Renick that the shows to be presented will not offend anyone. Renick is mulling the matter and Reider is waiting to open the house which has been dark for several years.

Maria Conesa Sues Medel on Pact Breach

Mexico City, Oct. 22.

Maria Conesa, Spanish stage comedienne, has filed suit before the Federal Board of Conciliation and Arbitration here for \$2,250 against Manuel Medel, impresario-comic, charging breach of contract.

La Conesa declared that she had signed with Medel for a road tour at \$20 a day and all expenses, but that after playing five towns she had to quit because there was no coin for her services and she only got a few pesos for expenses.

STRAND, N. Y.

closing numbers, both dumb acts have good of their kind. Little Freddie Football Dogs open the show, a collection of very willing and well-trained pooches of varied breeds which climax their stage appearance with a vigorous batting of inflated balloons. The Three Shyrettos close with a bicycle act that, though largely routine, is fast and does add a couple of stunts different from the ordinary run. Kam...

APOLLO, N. Y.

for admission is 25c and a copy of the mayor's proclamation. There have been 5,000,000 of these printed and placed in subways and railroad stations, as far west as Cleveland.

Numeral in connection with bills below indicate opening day of show, whether full or split week

Cabaret Bills

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N. Y. Ticket Brokers Sign Code Under Protest; Confer With Moss

Friday (18) all New York brokers were advised by special delivery from the League of New York Theatres that unless they signed the ticket code by Monday (21) no more allotments would be forthcoming. Agency people thereupon signed promptly, but under protest and without prejudice to their rights in the impending proceedings questioning the legality of the Mitchell law limiting premiums to 75c.

Had the brokers refused they would not have been reacted for at least two weeks and in some instances longer, since ticket allotments were already made, advance tickets turned over to the brokers being up to the disposition of theatre managers. Thursday (17) William A. Hyman, attorney for brokers who seek enjoining license commissioner Paul Moss and police commissioner Lewis J. Valentine, appealed the decision denying such restraint to the Appellate Division of the N. Y. supreme court. An early trial was promised the litigants.

Principal complaint of the ticket people at this time is the payment of 3c per ticket to the League. They asked that the levy be discontinued, but the code enforcement board refused. They continue to declare they cannot exist if paying the League, especially in view of the fact that if the Mitchell law passes court tests, chances to make additional coin on sports events would be eliminated. Some managers are known to favor the brokers' side of the levy angle.

Moss Talks to Brokers

Moss is preparing to start the Mitchell law functioning and called the agency people downtown to discuss the regulations he proposes to enforce. Commissioner stated bluntly that he did not want counsel for the ticket men sitting on his session. Hyman, who was on hand in Moss' office, pointed out that Milton R. Weinberger, attorney for the League was in the room. Moss said he represented the city in this instance, but when Hyman answered that was the duty of the corporation counsel, Weinberger was also asked to leave. He is said to have drawn up the Mitchell bill.

In a letter sent by Hyman to Moss late last week the attorney asked Moss for an interview with the brokers, so that he could pass on the 'fairness, justice, and reasonableness of the requirements and terms imposed on brokers by the League of New York Theatres who undertake to exercise dual supervision over these brokers... although supervision and regulation of this business has been vested by law in you... I specifically ask you whether or not you approve of the imposition by the League of 3c tax on each ticket sold by brokers and whether you approve of other obnoxious terms' in the managerial-Equity code or so-called 'agreement'.

In a letter to James F. Reilly, secretary of the League, Hyman advised him the brokers would sign the code because 'no choice is given them to do otherwise'.

'Burlesque' May Be Next B'way Revival

Among additional revivals contemplated for Broadway this season is 'Burlesque.' James Barton is mentioned as a possibility for the lead, also Bert Wheeler, currently on the Coast on a one picture deal. Arthur Hopkins, who presented the show originally, has indicated interest in putting the comedy on again. Late L. Lawrence Weber was interested in 'Burlesque' and also his brother, Ike.

Original cast was headed by the late Hal Skelly, Barbara Stanwyck playing the femme lead. It was her first appearance after playing in a night club (with Texas Guinan) where she was known as Ruby Stevens. The 'Burlesque' date led to Miss Stanwyck being called to Hollywood. Understood that it would cost around \$20,000 to reproduce 'Burlesque' as originally.

Paramount owns the play and made two versions, one being 'The Dance of Life' and the first with the original title and Hal Skelly in his stage role.

Author Corrects Critic

Julius Colby emceed an extended program backstage at the Lyceum, N. Y., for WMCA Friday (18) after the opening of 'George Washington Slept Here.' After lauding the play, the columnist called Moss Hart, one of the collaborators, to the microphone, author saying: 'Mr. Colby is not accurate. I am miserable. The audience was not responsive and I'm going out and kill myself.'

Hart wrote the play with George S. Kaufman. Latter avoided the air stint.

DET.'S BIGGEST LEGIT SEASON SINCE BOOM

Detroit, Oct. 22.

After being dark for nearly a decade to legitimate productions, the Lafayette theatre here will open Oct. 30 with the comedy 'See My Lawyer,' helping to give Detroit its heaviest legit season since the boom days, with three houses in operation.

For the initial production, the firm of Wee & Leventhal has signed Block and Sully. The plan is to offer the shows for two weeks at \$1.65 top, with the openings set for Wednesdays. Shuberts open their musicals at the Wilson on Fridays, while most of the road shows coming into the Cass having their openings on Saturday or Sunday.

Maida Reade Cops Equity Mailing List for G.O.P.; Lambertson's Pamphlet

One of the matters considered by Equity's council Tuesday (22) was the report that the association's mailing list had reached the hands of the Republican party's New York committee and used by it for campaign purposes, but that the Democrats did not possess the names. It was revealed that Maida Reade, prominent councillor, 'borrowed' the membership list, without the knowledge or assent of the officers, and turned it over to the Republican Committee. She was reprimanded. Equity has always declined giving out the names of its members whether for political or social purposes and related that, stand Cong. William F. Lambertson, who charged that Communists dominated the council, tried to secure the list but was refused.

Early this week Cong. Lambertson sent out copies of those portions of the Congressional Record in which he made his Red charges. Material is headed 'Communism in the Entertainment Unions.' Printed matter covers 15 pages and is bound in brochure form. At the top there is a notation: 'Not printed at Government expense.' Understood that the cost was not great, special rates being given congressmen. There was no charge for mailing, Lambertson using his prerogative of government frank. At least 200 of the pamphlets were mailed to Equitarians in care of the association's headquarters in N. Y. Included are the letters from various members lauding and criticizing Lambertson.

Paper Mill, N.J., Stock Tees Off Nov. 12

Paper Mill playhouse, Millburn, N. J., opens Nov. 12 with a stock company directed by Frank Carrington and Agnes Morgan. Shows will run two weeks. Scenic and costume designing will be handled by Aline Bernstein and Emeline C. Roche. First shows will be 'Jeannie,' by Amice Stuart, Nov. 12; 'I Killed the Count,' by Alec Coppel, Nov. 26; 'Papa Is All,' by Patterson, Greene, N. Y.

Gertrude Lawrence Gets Nod Over John Golden

Difference of opinion between John Golden, producer of 'Skylark,' on tour, and Gertrude Lawrence, the show's star, over the termination of her contract was settled by Equity's council Tuesday (22). Star was upheld in her contention that contract terminates Nov. 15. Golden claimed notice of three weeks was due on that date. It was thought he would win because it meant three weeks more for the supporting cast.

Miss Lawrence wishes to close at that time because she is under contract to start rehearsals shortly thereafter in the Moss Hart-Kurt Weill show, 'Lady in the Dark,' which Sam H. Harris will produce. Harris did not directly figure in the dispute, though he desires to get the show into rehearsals as soon as possible, having a number of contracts based on the Nov. 15 date.

Matter could have gone to arbitration, but quicker action was sought. Golden favored a decision from the council, saying he never resorted to arbitration with any idea of personal gain. 'Lady' is aimed for the Music Box, N. Y., where 'Dinner at Eight' is still playing to excellent business.

B'way Still Hunts Those Summer Barnyard Clicks

Broadway is still to see any of the new play possibilities, of which there were supposed to be a record number in the rural summer playhouses. 'Second Helping,' which was to have been the initialer, has been ditched after playing out of town for less than two weeks. Play was announced coming in, but at least one lead cast change was to have been made and the current week was to have been a layoff for further rehearsals. Doubtful if it will reach the boards again.

Management outsmarted itself in applying to Equity for the privilege of an extra week's preparation without salaries except pay for rehearsals. Concession was granted with the stipulation that at least two weeks be guaranteed the cast upon reopening. 'Helping' could have closed without such requirement and, upon application, would likely have been granted the right to resume without the two-week stipulation.

Ned Sparks was engaged to replace Joseph Sweeney, his contract reportedly calling for \$1,000 per week for two weeks. Although the show stopped, salary to Sparks is payable and added to the production out. Show was tried out at Stamford by Walter Bachelor and Monte Proser, with Lee Shubert financially interested in the planned Broadway presentation.

To date the product to enter the list from the summer spots consists of three revivals, two of which came in last week—'Blind Alley,' Windsor, and 'Charley's Aunt,' Cort. Both were favorably received. Same goes for 'Kind Lady,' which sparked the revival idea this fall and which is faring well at the Playhouse.

Max Wylie's Nazi Play

Max Wylie, CBS script editor, has authored a play about a hypothetical Nazi invasion of the U. S. It's titled 'Granite,' and tells of how a small detachment of Reich troops occupy a portion of Vermont to obtain food for the main army, but are eventually killed or captured. He's now working with Milton Geiger, radio writer, on revisions. Harold Ober will handle it.

Wylie and his brother, novelist Philip Wylie, wrote a play last summer about a modern Jesus, but abandoned it when Maxwell Anderson's 'Journey to Jerusalem' was announced. Latter play, with a vaguely similar theme, closed a brief engagement Saturday (19) at the National.

Serlin Battling With Shubert-Owned Ticket Agency In Boston; 'Father's' Prod. Accuses 'Em of 'Stranglehold'

De Sylva's Hub Burn

Another managerial burn-up over ticket manipulation in Boston occurred when Buddy DeSylva decided to hold over 'Panama Hattie' at the Shubert. Decision to continue the show had hardly been announced when applicants for tickets during the added week, applying at the boxoffice, were told the best locations on hand were the 16th row.

DeSylva indignantly expressed himself, but was unable to counter the ticket 'system' complained about.

MGRS. PROPPING CORPORATE SETUPS

Producers of legit shows are reverting to the original managerial setups that were used before the idea of incorporating each production came into vogue. Basic idea of using corporate identities was to evade possible recovery suits by creditors against managers individually. There was always that chance if shows flopped and there remained no money to pay off.

Changes in the tax laws in regards to corporations, however, have resulted in showmen reverting to the personal ownership or partnership system. Real reason for the switch is that the income tax levies are much heavier for corporations than for individuals. Accountants for managers have pointed that out for the past year or so.

Latest to come in under the personal ownership method is Oscar Serlin Productions, Inc., which corporation has been dissolved. 'Life With Father,' of which there are three companies including New York (Empire), is principally concerned. There are half a dozen individuals interested in the ownership and, instead of possessing stock certificates, they are now co-partners. 'Father' is earning enormous profits and under the new setup the shares of each partner will be considerably larger.

Aarons-Ritchie Musical Still Minus Femme Lead

'Hi-Ya Gentlemen,' the musical which will have the former heavyweight champ Max Baer as chief comic, is slated into rehearsal early next week by Alex A. Aarons and Robert Ritchie. Showman are still seeking a femme lead. Part was to have gone to Anne Miller, but she is in Hollywood.

There will be an ensemble of 40, inclusive of 14 girls engaged on the Coast who are on the way east. That contingent will receive considerably more than those selected in New York, having been engaged under the Screen Actors Guild scale. Latter's rates are \$66.50 for dancers and a minimum of \$50 weekly for show girls. Chorus Equity minimum in New York is \$35 weekly for both.

New L'ville Legier

Louisville, Oct. 22. Number of road shows to visit this town during the coming season will be increased with the addition of the Columbia theatre under the management of Harry J. Martin to the local live talent fold.

Martin has set the National Playgoers Guild for four plays, opening Nov. 29-30 with the S. N. Behrman comedy, 'Second Man.' 'Morning at Senec' is scheduled for Jan. 3-4, to be followed early 1941 by 'Misses' Legend' and a revue, 'Step This Way.'

Boston, Oct. 22. A fresh breach between Oscar Serlin and the Shuberts, with the Herrick ticket agency (Shubert owned) in the middle, hinges on the brokerage of tickets for 'Life With Father.' Serlin is the first producer who has dared to issue a statement on the ticket situation here which has burned many a manager for the past year and a half. Two lawsuits have been filed here by indie brokers charging monopoly by the Shuberts and Herrick's, but they have never come to trial.

After booking 'Life With Father' in the Civic Repertory, the only sizable house in this city not booked through the United Booking Office, Serlin lined up the Hub ticket brokers on a deal that called for their purchase of tickets at boxoffice prices, for cash, and with no refunds allowed. The Herrick agency played ball for 'two hours,' the Serlin management here declares, and then asked to return their allotment of tickets for a refund with the mention that 'temporarily' they could not accede to the new setup. Other brokers continued to buy their seats from the Repertory and re-sell to their customers at the usual premium.

If present plans go through on schedule, the Boston public will get some dope on the situation, straight from the shoulder, from Serlin, via newspaper ads. Transcript, Herald-Traveler and the Record-American are understood to have okayed an ad-proof prepared by the Serlin office here to run this week. It will list the agencies selling tickets for 'Life With Father,' omitting Herrick's.

From the Serlin headquarters here the following statement, in part, was issued:

'For more than 18 months Boston theatregoers have suffered from an extremely unhealthy situation with respect to the distribution of tickets to outstanding theatrical attractions. Time and again, patrons have complained that they have sent in mail orders even before boxoffice opening, and have been allotted seats in the eighteenth row. Or they have hurried to the boxoffice on the day the ticket sale opens, only to be told that the best seats available were in the rear of the house.

This unfair condition can be (Continued on page 52)

Sam Harris Ignores Equity Ruling Against Him On 'Geo. Wash.'

Although Equity ruled that full salaries were payable to the cast of 'George Washington Slept Here,' which opened N. Y. Friday (18), Sam H. Harris demurred. Cast was paid two-eighths, plus five-sevenths of rehearsal pay. According to Equity's figuring, the players should have received a full week's pay plus two eights, latter coin applying to the final day of the previous week's layoff. Manager proposes to have the matter arbitrated.

Situation arose over the sudden death of Berton Churchill, one of the leads, who was replaced by Dudley Digges. Manager claimed it was an act of God, but Equity declares that death from natural causes is not regarded and only when fatalities are caused by fire, earthquake or flood is the manager not liable for a layoff. Churchill passed away from uremic poisoning. Equity feels confident that its contention would be upheld in arbitration, having won three times in somewhat similar instances. It's intimated that had Harris conceded such precedent, Equity might have granted concession in the matter of 'Washington' salaries.

First 'act of God' claim in relation to a player was raised by Jed Harris, who contended that he should not be liable for salaries of other players in 'Coquette' when Helen Hayes gave birth to her daughter and the show layed off. Incident was widely publicized and the child was referred to as the 'act of God baby.' However, the decision was against the manager and he had to pay the cast during the layoff.

B. O. Picks Up for Chi's 3 Shows; Father' 15G, 'People' 12G, 'Animal' 11G

Chicago, Oct. 22. Business strengthened generally for the loon left situation. This was particularly true for the two shows which had opened in mediocre fashion, 'Meet the People' and 'Male Animal'. The Hollywood musical in the Grand is attempting to stick here until the week before Christmas and then head for its New York opening. 'Animal' also appears to be ready for a real stay of it, though it is indicated that it will never be up in the important numbers.

On Monday (28) the Erlanger will relight for the season with 'Time of Your Life' under A.T.S. auspices. Otherwise, there is nothing in the offing until Christmas time. The Shuberts, who had been figuring on bringing in 'Unfaithfully Yours', have apparently abandoned that idea following a miserable opening last week in Detroit.

Estimates for Last Week
'Life with Father'; Blackstone (33d week) (1,200; \$2.75). There is no end for this one. A few weeks ago they were planning for the backstage Christmas party. Appears that they are now starting figuring their Easter celebration. Holding to remarkable \$14,800.

'Male Animal'; Selwyn (6th week) (1,000; \$2.75). Plans to stick 'it out and bangle out profit at \$11,000.

'Meet the People'; Grand (3d week) (1,200; \$2.75). Trying to stick to week before Christmas and then move to N. Y. for Christmas Day opening. Joe Flynn's bangup exploitation helped wicket to \$12,000 last week.

'SKYLARK' GETS \$16,000 DESPITE ST. L. COMPETIS

St. Louis, Oct. 22. 'Skylark', starring Gertrude Lawrence, ended a week stand Saturday (19) at the American with a take of approximately \$16,000, considered good biz in view of terrific competition encountered during run. Wendell Willkie, Republican presidential nominee, drew more than 30,000 to a cutto political rally and the U. S. Navy band attracted more than 7,500 to a pop price concert, both on Thursday (17). The navy toppers performed in the municipal auditorium, several blocks away from the theatre.

'Skylark' was first of the current season to be supported by the Playgoers of St. Louis, Inc., and more than 1,200 members of this organization purchased tickets to the performances. House scaled to \$2.80. Crix dished out raves.

Tallulah Bankhead, in 'The Little Foxes', opened last night (Monday).

Philly Critics Clip '2d Helping,' \$7,800

Philadelphia, Oct. 22. Mixed notices by the crix and lack of marquee names held the b.o. of 'Second Helping' down to so-so \$7,800 for an eight-day run at the Forrest last week. The crix house lit, as it has been for the past fortnight.

Last night (Mon.) the Locust unshuttered with Brock Pemberton's 'Lady in Waiting', sketched for a two week run. 'Night of Love', produced by the Shuberts, unveils at the Forrest Nov. 18.

The University of Pennsylvania's Mask and Wig Club's 53rd annual production, 'Higher Than a Kite', will preem in Trenton, Nov. 22, with a showing at Atlantic City the following night. It will be presented at the Erlanger, where Thanksgiving Week prior to going on tour.

Cincy Legit Now 'n' Then; Bankhead Brisk \$7,500

Cincinnati, Oct. 22. After nibbling on two road shows which came in for three-day engagements, local legit fans must wait almost a month for the season to resume.

Tallulah Bankhead in 'Little Foxes' grossed approximately \$7,500 in four performances the first half of last week in the 1,336-seat Cox at \$2.75 top. It followed four performances by Gertrude Lawrence in 'Skylark' at the 2,510-seat Fox at the same scale, which fetched around \$6,500. 'Foxes' in split week got \$15,500.

Next show in will be Katharine Hepburn in 'Philadelphia Story' at the Taft, Nov. 14-16, for the first of a series of six shows under the American Theatre Society's subscription plan, which has 2,000 patrons enrolled here at present.

'Ladies,' \$13,500, Tees Off Pitt Legit Season

Pittsburgh, Oct. 22. Legit season got underway at Nixon last week with 'Ladies in Retirement' and his indicated that touring attractions are going to find Pittsburgh pretty profitable this season. Playing at \$2.75 top, Flora Robson hit grabbed off approximately \$13,500, very good in these parts for this kind of show. Had A.T.S. subscription backing, which helped, but got a nice window sale too, on heels of rave reviews.

Inaugural was latest in more than a decade, Nixon usually getting underway around middle of September. 'Time of Your Life' opened last night (21) to big advance sale.

EQUITY'S 'RED' ISSUE DORMANT

Rumpus in Equity over the allegations that half a dozen members of the councilors are Reds or Communist sympathizers appears to be in status quo. There have been no recent responses from Washington to Equity's demand for an investigation. Copies of the proposed amendment which would bar Reds, Nazis and Fascists from holding office in Equity, or to be employed by the association, were sent Rep. William P. Lambertson, who made the charges, and Martin Dies, whose committee was asked to investigate. Neither has seen fit to acknowledge receipt of the communications to Equity.

In the meanwhile there is no rush to draft the form of the amendment. It has not been decided whether such regulation be annexed to the constitution, or be made an amendment to the bylaws. If the latter course is decided on, the council could vote it in without consulting the membership. If it is to be made part of the constitution, the amendment would have to wait the annual meeting next summer for adoption or rejection.

Ballet Review

Continued from page 50

raphy has sexy overtones that should draw attendance, particularly the adagio in the latter portion. The Lurcat costumes emphasize the bulky figures of the dancers.

'Nutcracker', in two acts, with score and title of Tchaikovsky suite choreography by Petipa, scenery and costumes by Alexander Benois, is notable principally as a vehicle for Alicia Markova, who it reveals as extraordinary graceful and technically proficient. Choreography is rather formal and the settings roccoco Russian.

'The New Yorker', the outstanding novelty of the current engagement, has a libretto by Rea Irvin, based on the cartoon illustrations in the New Yorker mag. Massine did the choreography to a score orchestrated by David Raksin from George Gershwin. Scenery and costumes designed by Carl Kent, from Rea Irvin's drawings, are briefly amusing, but the Massine choreography fails to do justice to the theme or to the Gershwin music. What business the ballet has in this country is the idea and the strength of the Gershwin name.

Premiere night's audience was considerably more than capacity, with an even greater than usual representation by white ties and black ties. Presentation is almost certain to be a solid sellout during the entire three weeks and, on the basis of the opening performance, appears a likely bet to draw hefty grosses on the road. Disregarding the question of dancing, this Monte Carlo outfit is undoubtedly the surest box office ballet of any seen in New York in recent seasons. Whether the 'Original' Ballet Russe can equal it remains to be seen. Hobe.

Coast Civic's 'Desire'

Los Angeles, Oct. 22. Nathaniel Tanenbaum was named production head of the newly organized Los Angeles Civic Theatre. Casting is under way for the first production, 'Desire Under the Elms'.

Shows in Rehearsal

'The Corn Is Green'—Herman Shumlin.
'All in Fun'—Leonard Sillman.
'Crazy With the Heat'—Kurt Kaszner.
'Beverly Hills'—Lawrence Schwab and Otto Preminger.
'White Haired Boy'—George Abbott.
'Conquest in April'—Louise Carpenter, Adelaide Finch.
'Elmer the Great' (revival)—Aldrich and Myers.

'HATTIE,' \$26,500, STAYS 3D W'K IN BOSTON

Boston, Oct. 22. 'Panama Hattie' again topped the town by a mile, selling out consistently and making the tryout stay here so profitable that the planned two stanzas were stretched to three. 'Life with Father' continued to draw hefty trade at the uptown Civic Repertory. New Pins and Needles' did fair biz, and 'Lady in Waiting' and 'Return Engagement' were so-so last week.

Helen Hayes and Maurice Evans opened at the Colonial last night (Monday) in 'Twelfth Night' with a sweet advance sale. 'A Man from the Band' by Martha Pettinger opens tonight (Tuesday) at the Peabody Playhouse with The Theatre of the Fifteen producing. This play was tried out in Osterville, Mass., last summer by the same producers and company, stopping in Boston for an indefinite visit en route to Florida for their winter season.

Estimates for Last Week

'Panama Hattie'; Shubert (2nd week) (1,950; \$3.30). Terrific carrying trade sale 'take it but they were enough interest in this rugged revue to attract \$10,500 for the initial week. One more stanza here.

'Life with Father'; Repertory (3rd week) (985; \$2.75). Still cleaning up in this off-location stand and no indication of when the run will end. Third week tallied nearly \$15,000.

'New Pins and Needles'; Plymouth (1st week) (1,480; \$3.75). A lot of the carrying trade sale 'take it but they were enough interest in this rugged revue to attract \$10,500 for the initial week. One more stanza here.

'Lady in Waiting'; Wilbur (2nd week) (1,227; \$2.75). Got good balcony patronage, but the two weeks here, but the orchestra was occasionally sparsely settled. Final week \$7,000.

'Return Engagement'; Copley (1st week) (1,038; \$1.65). Made Christians and Bert Lytell helped the draw on this tryout, which garnered around \$4,000. One more week.

Engagements

Charles Trexler, 'Morality Clause'.
Carmen D'Antonio, 'Panama Hattie'.
Beatrice and Capella, 'Tis of Thee'.
Sanford Meisner, 'The White-Haired Boy'.
Rosita Moreno, 'All in Fun' ('New Faces of 1940').
Peggy Wood, 'Jane Cowell, Nancy Winan, 'Old Acquaintance'.
George Griffin, Harvey Harding, Arthur de Voss, 'Hi-Ya Gentlemen'.
Suzanna Jackson, Peggy O'Donnell, John Call, Alexander Clark, 'Elmer the Great'.
Puuk Paaris, Peter Kelton, Nancy Nolan, Jerry Lester, Beate Betsy Benn, Lessy, Bonnie Edwards, 'All in Fun'.
Henry Hull, Mili Monti, Ernest Cossart, Lloyd Gough, Gee Gee Moss, George Macready, Ralph Theodore, Norman Stuart, Douglas Parkhurst, William Nichols, Tommy Lewis, Carol Wanderman, Shelley Winter, Jane Donner, Robert Whitehead, Adele Harrison, Brandt, Gordon, Richard Dwenger, Shelley Hull, 'Conquest in April'.
Keenan Wynn, Betty Garde, Philip Loeb, Joan Tetzel, Curt Conway, Florenz Ames, Frances Reid, Will Lee, James Lane, Edith Van Cleve, Wrayfield Birch, Helen Zelinskaya, Lou Polan, Ruth T. McDevitt, Marshall Bradford, Fleming Ward, William Menek, Daniel Ocko, Richard Odlin, Gregory Robins, Robert Mulligan, Paul Mann, Elaine Ellis, Judith Abbott, Sonya Stokowski, Brammer Binder, Ralph Morehouse, J. Ascher Smith, Robert Griffith, Theresa Keane, 'The White-Haired Boy', complete cast.

B'way Still Climbing; 'Ice' Goes To \$36,000; 'Boys-Girls' Reaches 29G, 'Hats' Ditto, 'Night' 17G, Up

Hayes-Evans Smash \$12,500 in New Haven

New Haven, Oct. 22. Town took to the Helen Hayes-Maurice Evans presentation of 'Twelfth Night' with a response that had standing room sold out long before curtain time. Scale was cut from last Hayes appearance here in 'Victoria', but gross still reached record proportions with an approximate \$12,500 on four performances.

Prem of Shubert musical, 'Night of Love', is due this week for a last half (24-26). Also booked is Joe E. Brown in 'Elmer the Great', which comes in Oct. 31-Nov. 2.

SHUBERT OPERA N.G. \$7,500, DET.

Detroit, Oct. 22. First week of the new Shubert operetta here was not so good. To balance up the type of production, 'Too Many Girls', originally scheduled as third on the list, will follow 'Unfaithfully Yours', the initial show, which goes another week. Cocktails, 5 to 7, earlier slated as the second offering, drops back to third place to insert a light, modern show between the operettas.

Cass wound up its sixth week of 'Man Who Came to Dinner' and will be dark until Oct. 28, when Katharine Hepburn comes in with 'Philadelphia Story'. Wee & Leventhal open up Lafayette on Oct. 30 with 'See My Lawyer', headed by Block and Sully, for a two to four-week run.

Estimates for Last Week
'Unfaithfully Yours'; Wilson (1st week) (1,800; \$2.20). Opening up a long-draw house, business was n. g. at around \$7,500.
'Man Who Came to Dinner'; Cass (6th week) (1,400; \$2.75). Wound up with an approximate \$9,000, making the final gross on the run nearly \$70,000.

'QUIET' MILD 6G IN L.A.; 'CHARLOT'S' \$100,000

Los Angeles, Oct. 22. Biltmore relighted last week with rental engagement of Jesse L. Lasky's 'Quiet Please', which he is grooming for Broadway. Notices were all favorable, despite which take on first five days was not encouraging at \$6,000. Piece is in for three weeks after which it goes east. British War Relief association wound up five weeks of benefits at El Capitan with 'Charlotte's Revue', garnering close to \$100,000 on the run. House went commercial again (21) with 'Folies Bergere', after long run at the Frisco fair.

'Susanna' Gets \$14,000 And Crix Lacing in Wash.

Washington, Oct. 22. Susanna and the Elders, first try-out of the season, competed with unanimously harsh notices for approximately \$14,000 last week at National Theatre, which by local A.T.S. subscribers, show being first of three postponed subscription season. Critics all agreed show had possibilities, but agreed it hadn't been realized. Current is 'Ladies in Retirement' with Flora Robson. Ruth Chatterton is due next Monday (28) in 'Pygmalion'. Only other definite booking is Shubert's new musical, 'Night of Love', sketched for Nov. 11.

'Phila. Story' Gives Can. Red Cross Big \$10,000

Toronto, Oct. 22. Week's sellout at \$3 top saw Katharine Hepburn. 'Philadelphia Story' chalking up a terrific gross of approximately \$22,700 at the Royal Alexandra, 1,461-seater. Miss Hepburn turned over her salary and her share of the profits to the Canadian Red Cross; Theatre Guild donated its profit; Philip Barry his author's royalty and share of the profits; Robert B. Sinclair his director's fee. Cheque topped \$10,100.

Estimates for Last Week

Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Operetta).
'Boys and Girls Together'; Broadhurst (3d week) (R-1,412; \$4.40). Gross crept close to the \$29,000 level that is capacity plus; around 200 standees during week at \$2.20 each.
'Cabin in the Sky'; Martin Beck (M-1,214; \$3.30). Presented by Al Lewis and Vincent Sardi; book by Lynn Root; score by Vernon Duke and John Treville Latouche; debut put back to Friday (25) at \$5.50 top.
'DuBarry Was a Lady'; Royale (46th week) (M-1,047; \$4.40). Moved here from 46th Street Monday; business held up strongly with takings around \$20,000 again; new spot has smaller capacity.

'George Washington Slept Here'; Lyceum (C-1,004; \$3.30). Opened Friday (18); drew mostly favorable press; first matinee good and second night capacity claimed.

'Hells-a-Poppin'; Winter Garden (109th week) (R-1,671; \$3.30). Incoming musical comedy; this second great draw of laugh revue, which clicks along with grosses around \$31,000.

'Hold On to Your Hats'; Shubert (6th week) (M-1,405; \$4.40). First socko musical comedy; this second riding high and figured a cinch for long run; takings have climbed to over \$29,000.

'It Happens on Ice'; Center (2d week) (R-3,087; \$2.75). First week quoted at better than \$38,500, while capacity is considerably higher, rink revue said to have turned fine operating profit.

'Johnny Belinda'; Belasco (5th week) (D-1,004; \$3.30). Has been climbing, with last week's takings credited over \$6,000; needs somewhat more to break even.

'Journey to Jerusalem'; National Theatre (off Saturday) after playing two weeks plus one night; takings did not rise over 't' first week's pace of around \$4,000.

'Life with Father'; Empire (50th week) (C-1,055; \$3.30). Clean-up laugh show virtually as strong as last season; just a matter of the number of standees; quoted at \$18,800.

'Louisiana Purchase'; Imperial (21st week) (M-1,450; \$4.40). Looks safely perched on top of list for some time to come; goes to standees nearly every performance, with the gross over \$34,000.

'Man Who Came to Dinner'; Music Box (53d week) (C-1,102; \$3.30). Another week of last season's smash; that is getting big coin; went up \$1,000 last week and registered nearly \$17,000.

'Separate Rooms'; Plymouth (30th week) (C-1,107; \$3.30). Still figured to stick through fall period; is rated one of the best laugh-getters on list; over \$11,000.
'There Shall Be No Night'; Alvin (21st week) (D-1,434; \$3.30). With final weeks announced, attendance spurred materially; grossed \$18,000 and should do better currently and next week.
'Tis of Thee'; Elliot (R-3,331; \$3.30). Presented by Lee Shubert; is intimate revue done in summer hideaway by members of Labor stage; opens Thursday (24).

'Tobacco Road'; Forrest (28th week) (C-1,107; \$1.10). One of the shows that claimed capacity Saturday night when Broadway was jammed; may stay through fall; \$5,000.

REVIVALS

'Blind Alley'; Windsor (1st week) (CD-873; \$2.20). Drew fairly good press; takings first seven performances rated around \$6,000 and may make grade.

'Charley's Aunt'; Cort (1st week) (C-1,064; \$3.30). Old timer attracted some excellent notices; in first four performances (opened Thursday (17), around \$5,000; considered okay.

'Kind Lady'; Playhouse (7th week) (CD-865; \$3.30). Tops the revivals so far and is aimed through fall; last week the takings again bettered \$10,000.

'Sim Sala Blum'; Morosco. Stopped Saturday after six weeks; magic show may return to Broadway during December.

Gilbert and Sullivan Repertory, 44th St. Take off Saturday after three losing weeks.

'8:30' OK 6G In Mont'l

Montreal, Oct. 22. Noel Coward's 'Tonight at 8:30', featuring Bramwell Fletcher, at \$1.50 top, grossed estimated \$6,000 last week at His Majesty's, making the best week of the legit season here since opening three weeks ago. Was helped some by Thanksgiving Day holiday (14) and by advent of colder weather in contrast to summer heat of past weeks.

Revamping Ice Show at N. Y. Center For More Comedy, Heavy Upstairs

Some changes are being effected in 'It Happens on Ice,' the rink revue at the Center, Radio City, which, while drawing considerably under capacity, is registering grosses that indicate it will be a stayer. Takings last week were estimated over \$34,000, said to provide an excellent operating profit. Highest possible gross is around \$52,000, though reported somewhat higher.

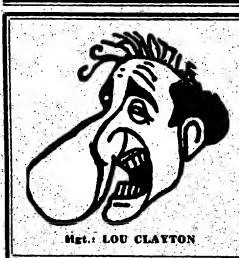
Principal performance addition is a first part appearance of the 'Four Bruises,' whose charwoman number late in the program has been virtually stopping the show. Comedy skaters will continue in that interlude and in addition will interpolate a burlesque ballet in the earlier section. Bruises hail from England and were hockey players; they being Sid Spalding, Geoff Stevens, Monty Scott and Buster Grace. They first appeared at Madison Square Garden last season in a rink revue more peopled by imported skaters. Another Joe Cook comedy number is also going into the show. It was originally billed, but the props were not ready.

'Ice,' while actively operated by Arthur Wirtz, who controls ice arenas in Chicago and the midwest, is principally staffed by the Center (Rockefeller) management. That explains why Glen Alvine is press agent, he being on the house end rather than the Wirtz staff. Dick Maney was retained to publicize the premiere only.

There are 500 unreserved seats at 75 cents which go on sale when the doors open, about one hour before curtain, and are generally all sold, with moderately priced tickets also getting the call. Lower floor (\$2.75), especially on midweek nights, has been about 50% occupied.

'Ice' is operating as a legit, playing eight performances weekly, but the performers are in the American Guild of Variety Artists. Because of that no extra pay accompanies the Sunday night performance, although it had been reported that two-thirds of the show with shows under Equity classification. Reputed demands of AGVA for high minimum salaries are stated to have been erroneous.

'George Washington Slept Here' opened at the Lyceum Friday (18) with most notices favorable, but with some dissenting opinions. Second night was claimed to be a sell-out. 'Cabin in the Sky,' slated to start this week, was set back until Friday (25). Next week will see premieres of 'Panama Hattie,' 46th Street, 'Suzanna and the Elders,' Morosco, and possibly 'Return Engagement,' house to be named.



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Serlin Battle

Continued from page 49

traced to the fact that, following the death of the original owner, control interests which are interlocked with those which already own and control every legitimate theatrical house in Boston, with the exception of the Civic Repertory. (The Colonial Theatre, while independently owned, is booked through the Shuberts United Booking Office. It is therefore in a special category and is not under consideration.)

It has been a customary practice, during the past year and a half, for Shubert theatres to allow Herrick's to take, on consignment, virtually all the first-rate seats to plays operating in these theatres, with the privilege of returning any seats they fail to sell. If the play is a failure, the public may get approximately any locations desired; but in the case of a hit, patrons are virtually forced to go to Herrick's or some other agency to which Herrick's has farmed out some of its tickets; and to pay a premium price for their seats.

This practice has worked hardships upon the public and also upon producers who have booked into Shubert houses. 'No Time for Comedy,' presented in Boston about a year ago, is a case in point. On the day of a matinee of 'No Time for Comedy,' would-be ticket buyers were turned away with a statement that there were no seats at the box office. But shortly before curtain time a large block of seats was returned unsold by Herrick's—so late that it was impossible to dispose of them all by curtain time. As a result, the curtain rose with many empty seats, while dozens of persons anxious to buy those seats had been sent away disappointed. Besides, it had cost the producer \$200. Both Miss Cornell and the Playwright's Co. made strenuous objections to the Messrs. Shubert and Herrick's was required to set an earlier time for returning its unsold tickets, though the essential evil of this monopolistic practice has not been remedied.

Recognizing that ticket brokers are a legitimate business and a convenience to many patrons who can afford their services, Serlin is allowing brokers to buy, for cash, on an exactly equal basis with the general public, small and strictly limited quantities of seats, with no privilege of returning unsold tickets. 'All accredited ticket brokers in Boston have cheerfully complied with this arrangement, with the exception of Herrick's. Serlin intends to continue with his policy, which, with this single exception, is proving highly popular. At last, the public is getting a break in a Boston theatre.

Legit Cues

Walter Wagner directing the Detroit company of 'See My Lawyer' for Wee & Leventhal.

The Richard Whorfs expect another child in a couple of weeks.

E. J. Kahn, Jr., of the New Yorker, and Bruce Bliven, Jr., of the New York Post, are collaborating on a comedy.

John Paxton, who was legit reviewer for the former Stage magazine, has joined the Theatre Guild as a play reader.

Mordecai Gorelik, scene designer, is the author of 'New Theatres for Old,' which Samuel French will publish Nov. 15.

The Jose Ferrers have taken a place at Ossining, where they'll live as soon as Mrs. Ferrer (Uta Hagen) leaves the hospital. They had a daughter last week.

Juliet Forbes goes to Metro in a few weeks on a tour.

Hedgerow theatre, repertory company of Moylan, Pa., near Philadelphia, may play an engagement on Broadway next fall. Claire Leonard has been appointed New York representative to arrange such a deal.

Current Road Shows

(Week of Oct. 21)

'A Night of Love'—Shubert, New Haven (24-26).
'Folies Bergere'—El Capitan, Hollywood.
'Ladies in Retirement' (Flora Robson)—National, Washington.
'Lady in Waiting' (Gladys George)—Lucy, Philadelphia.
'Life with Father' (Lillian Gish)—Blackstone, Chicago.
'Life with Father' (Dorothy Gish)—Civic Repertory, Boston.
'Little Foxes' (Tallulah Bankhead)—American, St. Louis.
'Male Animal' (Elliott Nugent)—Selwyn, Chicago.
'Man Who Came to Dinner' (Clifton Webb)—Michigan, Ann Arbor (21); Palace, Flint (22); Temple, Saginaw, Mich. (23); Gladner, Lansing, Mich. (24); Keith's, Grand Rapids (25-26).
'Man Who Came to Dinner' (Taylor Holmes)—Lyric, Allentown, Pa. (21); Karlton, Williamsport, Pa. (22); Rajah, Reading, Pa. (23); Shea, Jamestown, N. Y. (24); Virginia, Wheeling, W. Va. (25-26).
'Meet the People'—Grand Opera House, Chicago.
'Meet the People'—Music Box, Hollywood.
'Panama Hattie' (Ethel Merman, James Dunn)—Shubert, Boston.
'Philadelphia Story' (Katharine Hepburn)—Paramount, Toledo (21); Hanna, Cleveland (22-26).
'Pins and Needles'—Plymouth, Boston.
'Reginald' (Ruth Chatterton)—McCarter, Princeton (25); Playhouse, Wilmington, Del. (26).
'Quiet, Please' (Jane Wyatt, Donald Woods)—Biltmore, Los Angeles.
'Richelle' (Walter Hampden)—Maplewood, N. J.
'Skylark' (Gertrude Lawrence)—Auditorium, Memphis (21-22); Auditorium, Little Rock (23); Shrine, Oklahoma City (24); Convention Hall, Tulsa (25); Worth, Ft. Worth (26).
'Time of Your Life' (Eddie Dowling)—Nixon, Pittsburgh.
'Tobacco Road' (John Barton)—Fox, Marinette, Wis. (21); Capitol, Manitowish, Wis. (22); Green Bay, Wis. (23); Royal, Ashland, Wis. (24); Lyceum, Duluth, (25-26).
'Yes, My Darling Daughter'—Belasco, Los Angeles.

Yiddish Play

ESTERKE

Drama in two acts (nine scenes) by Aaron Zeitlin; presented by the Yiddish Art Theatre, association with Maurice Schwartz; staged by Schwartz; music by Louis Weisberg; lyrics by Alexander Chertov. At the Public, N. Y., opening Oct. 17, 90: \$3.00 top.
Fashio.....Louis Gold
Yadvigo.....Goldie Lubritsky
Yanko.....Meyer Scher
Marta.....Miriama Rissel
First Peasant.....Solomon Kraus
Esterke.....Lucy German
Second Peasant.....Miriama Rissel
Lech.....Maurice Schwartz
Jerusalem.....Mark Lermer
Gabriel.....Mark Lermer
Jester.....Mark Schwed
King Lear.....Samuel Goldstein
Chancellor Jan Souchivill.....Misha Fishkohn
Spinoza.....Miriama Rissel
Matchko Borkowitch.....Muni Serebrov
Barichka.....Abraham Teitelbaum
Levko.....Luba Kadison
Queen Adelaide.....Luba Kadison
Kushli.....Louis Heyman
Sexton.....Zion Shorndorf
Lady-in-Waiting.....Lisa Varon
Lady-in-Waiting.....Lisa Varon
King's Nurse.....Anna Appel
Ching Priest.....Anita Vinogradov
First Guard.....Louis Weisberg
Second Guard.....Meyer Scher
Old Peasant.....Paula Hoffman
Second Rabbi.....Isidor Hollander
Govareck.....Mordecai Yachson
Kochan.....Morris Blilawsky

After some years at the Yiddish Art theatre uptown (formerly the Jolson), Maurice Schwartz has returned to Second Avenue, the scene of his most memorable triumphs. The actor-manager-director, and sometime dramatist, has made his notable occasion, too, with his presentation of 'Esterke,' Aaron Zeitlin's story of religious persecution and political intrigues of 14th century Poland.

'Esterke,' discounting the usual first-night difficulties, should afford the Yiddish Art Theatre with its best boxoffice play since 'Yoshe Koble's' memorable success of some seasons ago. Lines were forgotten on opening night, the performance was over-long and the lighting was frequently awry, but these were inconsequential in the light of the absorbing drama that Zeitlin has unfolded, and which Schwartz has staged with his usual deftness.

This tragedy of a Jewish peasant girl loved by the 14th century Polish king, Kasimir, and who is forced to become his mistress, has a Biblical (the story of Esther) and also a present-day (Magda Lupescu-King) royal symbolism in the light of the heroine's flimsy fate. The king in his beneficence toward Jews of the day.

Miriama Rissel, who has been fea-

Inside Stuff—Legit

Although some notices were on the lukewarm side, the revival of 'Charley's Aunt,' which dates back 48 years and which opened Thursday (17) at the Cort, N. Y., is rated having favorable run chances. Old farce was welcomed during the summer in country stock spots, which prompted Day Tuttle and Richard Skinner, who operate in the sticks, to try it on Broadway, bookings being easy to obtain because of the paucity of new straight plays. Flock of other people, however, are interested in 'Aunt,' including Martin Gable and Mrs. Carly Wharton, who usually represent Jock Whitney in stage investments, which include 'Life With Father,' the biggest winner last season. Dwight Deere Wiman, whose daughter, Katherine, is in the cast, has a piece. So has Howard Cullman, the attorney, who was receiver for the Roxy. He, too, has an interest in 'Father.'

Cullman told friends that he wanted to be in on 'Aunt' because he once acted in the play as a member of the Yale drama class. He also remarked that if the show didn't click it could hardly cost him more than one week of his profit from 'Father.' During the late fall, 'Aunt' has been a perennial in London, but last season it failed to show for the first time in many years because of the war.

The Gilbert and Sullivan venture which stopped at the 44th Street, N. Y., Saturday (19) after three red weeks had an unusual setup, both managerially and as to cast. G. & S. revivals were presented by James S. Daltry and Herman Levin, neither known in show business. Daltry conducts music courses at Wesleyan College, while Levin is an attorney, who represented the backer, Clendyn Ryan, head of New York's Police Beneficial Assn. Levin is also said to be a 51-a-year-man on Mayor LaGuardia's staff.

Troupe entirely made up of young players was formed in 1937 by Daltry and appeared as a semi-professional outfit from time to time in eastern stands other than New York. Later presentations drew a weak press and scant attendance after the debut. Grosses started around \$8,000 for the first week and dropped to \$5,000 last week. Understood the attraction needed \$10,000 to break even. Failure of the attraction is put upon the inexperience of the cast, for those well versed in G. & S. point out that successful presentation of the operettas requires seasoned performers. England's D'Oyly Carte, leading exponent of G. & S., is not due on this side this season, principally because of transportation difficulties.

Charles K. Freeman doesn't think he received a fair shake from Equity's council when he sought to use local non-pros in a proposed Chicago stock company, cast of which would have the basic six permanent Equityites. He figured that because locals were allowed in rural summer theatres, same privilege should apply to Chicago.

Equity rules stipulate that local amateurs or semi-professionals shall not be engaged in any spot where Equity has an office or representative. Nor may they be used if the stand is not more than 35 miles distance from the city. Maplewood, N. J., and Brighton Beach are required to use full Equity casts.

Freeman figures he was given a brushoff by the councillors, who asked many questions. It appears that the Equity people sought to get his views on what pay would go to the locals, or whether he had in mind the formation of a drama school, using students for no-pay, which is not infrequent in the sticks during summer.

Equity will not accept collect telegrams whether from deputies in road companies or individual players. Rule has been in force for some time, but was emphasized when there was a switch in management of 'Ladies in Retirement' from Gilbert Miller to the Theatre Guild shortly after the play was sent to the Coast and was to have been closed. Queried on certain points, Equity sent a lengthy day letter wire to Florence Edney, show's deputy, and she protested the charge of \$6.05, saying the message could have been sent at night rates. Equity conceded that was reasonable and remitted the difference to Miss Edney.

Deputies are not expected to stand the cost of communications. Such costs are to be pro-rated among the cast, or among individual players if only they are concerned. 'Ladies' is playing Guild subscription stands.

Royale, N. Y., reverted to legit Monday (21) when 'DuBarry Was a Lady' moved there from the 46th Street, which gets 'Panama Hattie' next week. Decided to make the switch 10 days in advance of the new musical because of mechanical requirements for 'Hattie.' Stage at the 46th Street must be cut so that treadmills used in the new musical's performance can be installed. 'Hattie' will open Wednesday (30), but a socialite preview for a charity fund will be held the night previous.

Known as 'Playhouse Number One,' Royale was used by CBS for broadcasting for about two years. House went back to its original name as built by the Chansins. For some time it was called the John Golden, that label being transferred to the Masque, next door, when the radio outfit leased the house.

Production of 'Twelfth Night' starring Helen Hayes and Maurice Evans, is listed as being presented by the Theatre Guild and Gilbert Miller. It is said, however, that Miller's position in the setup is largely nominal, primarily through his connection with Miss Hayes. Production supervision is entirely in the hands of the Guild, with Theresa Helburn and Lawrence Langner at the helm. Originally Cedric Hardwicke was considered for the Malvolio role, but the idea was abandoned in favor of Evans. Another cast change was Robert Spaight, who was replaced by Wesley Addy as Orsino.

'Night' is now in Boston for two weeks following its preem in New Haven. It follows with a fortnight in Philly and is due in N.Y. at the St. James Nov. 18.

Among the Broadway playwrights who registered for the draft is Moss Hart, who went before the examining clerk expecting to be cross-examined and loaded with a long list of answers. To his relief he was registered within two minutes.

George S. Kaufman, with whom he collaborates, is considerably over the 35-year age limit.

Maurice Schwartz has maintained the standard of exceeding all Yiddish legit troupes on production costs with his latest presentation, 'Esterke,' which opened at the Public theatre in downtown New York last week. Costs were \$15,000 before the opening curtain. The fact that he has his own lighting system is also reported to have saved him in the neighborhood of

So many Lambs have died recently that surviving veterans walking to club look up to see if the flag is at half mast before entering.

During one week, Berion Churchill, James Spottiswood and a lay member passed away.

During the last couple of seasons, has added considerable depth to her acting with her alternately child-like and tragic performance of the title part. Around this character, the author has neatly woven the insurrectionist movement based on her Jewish heritage, which forms the subordinate plot. Samuel Goldenberg plays the king with his usual sense of proportion. It's a part that would appear to be at least partially unsympathetic, but takes on a new aura in Goldenberg's playing of the title part. The king pursued by the 14th century equivalent of the fifth columnist, Schwartz, as the old caretaker-protector of

Esterke, has a comparatively minor role but gives it lustre that is alternately properly humorous and tragic.

Muni Serebrov, a member of the king's court and his leading antagonist, has his juiciest part in some seasons and makes the most of it. Abraham Teitelbaum, the fanatical priest; Luba Kadison, the queen forsaken by her husband; Lucy German, the grandmother; Mark Schwed, the king's jester, all contribute neatly to the performance.

Alexander Chertov's settings are in lavish good taste, as are Arthur

Stuck's period costumes. Solomon Secunda's score is consistent with the mood of the play.

Broadway

Sid Harris now in boxoffice at Maplewood's stock house. Wright organization named to handle Miami publicity.

Philly Oz, of Polly and Oz, is in the publicity department of Macy's. Arthur Lemmon, ticket broker, celebrated 21st anniversary last week. James Hamilton is the table-worshiping card magician at Tony's. Bobby Connelly bruised tip of his nose in taxi when machine started suddenly.

Oscar Serlin back from Chicago on his Life With Father company there. Dick Kuhn's soft music popular in Broadway cocktail lounge of the Hotel Astor.

Annual Frolic of Paramount Pep Club on Friday (25) night at the Astor Hotel.

Mack Hillard back with 'Pygmalion' which, too, Arthur Levy being in advance.

There is behind dark glasses after having a small growth removed from his eyeball.

Nate Blumberg is having an air raid shelter built on his Valley estate in California.

Leo Miller and Harry Martin go into boxoffice of Fulton which gets 'Beverly Hills' soon.

Warner Club holding its first Thanksgiving dinner-dance Nov. 23 at the Commodore; informal.

George Walsh in town discussing a couple deals, nature of which he can't reveal at the moment.

Major L. E. Thompson, RKO exec, undergoing hospitalization for some neck trouble that is bothering him.

Bob Howard and Herman Fuchs are selling staff at the Royale where 'Du Barry' moved Monday (21).

Joe Unger, Par's eastern sales chieftain, in Washington discussing a prospect deal there with Warner Bros.

John Moroney, who has an interest in the Interstate circuit and is its counsel, in town but it's strictly on a pleasure trip.

Emanuel Silverstone, assistant exec for Korda, in Cleveland and Buffalo last week for trade showings of 'Thief of Baghdad'.

Dean Armas, personallizing at the Tennessee theatre, Knoxville, prior to opening at the Versailles tomorrow (Thursday) night.

Ward (Sun) Morehead delivered two completed acts of his U. S. 80 to Guthrie McClinton yesterday, and must have it all done by Nov. 6.

Quentin Reynolds' letter in last week's VARIETY has WOR interested for a radio pickup from London, on a possible commercial deal.

Hal Swanson, Coast literati 10%er, due in New York, where he'll be in contact with h. o. film story eds and Manhattan agents whom he reps.

Billy (MCA) Stein may receive visitors soon, but will be laid up at the Fifth Ave. hospital another six weeks following his left leg amputation.

John J. Friedl, Par's northwestern operator, and Cecil Bamford, North Carolina partner of the company, back to Minneapolis and Asheville, respectively.

Rodney Bush returned to the 20th h. o. Monday (21) after laying preliminary plans for the opening of 'Mark of Zorro' there Nov. 1 on a week preem.

Winifred Brown, wife of Clark Brown, Paramount tax head, is home at New Rochelle after being hospitalized a couple weeks following birth of a baby girl.

Winchell, in the round, with Hellinger on his visit to N. Y., has been making the daytime as well as nocturnal rounds with Mark, and keeps saying 'goodnight' during the lunch periods.

Milton Blackstone to Miami Beach to o. o. the new Grossingers' and Beachcomber spots, opening there this winter, both of which he'll exploit and handle advertising for.

Carl Erbe on the p. end.

Eva Baray to Hollywood on a four-week contract to work with Ladislav Bush-Fekete on his forthcoming picture. On her return, she will work on the adaptation of a Hungarian play for Francine Larimore.

Louise Baer, wife of Bugs, back from a trek to New Mexico, gathered a few of her friends for brunch last Friday to show them a newly decorated apartment. Included were Sylvia Sullivan, Lillian Gish, Charlene Marx, Winnie Pearl and Ruby Schwarzwald.

Pittsburgh

By Hal Cohen

Al Mercier scouting for a downtown location to install his second Nub Club.

Town's first and only drive-in theatre at South Park called it a season last weekend.

Playhouse director Fred Burellish still on the scene in New England after appendix-clipping.

Wally Ford and Norman Prescott here for couple of days on way east from Hollywood by car.

The Bill O'Brien (the ASCAP rep here) expect the stock-for-the third time—in February.

Edith Caldwell, wife of novachordist Chick Floyd, no longer singing

with Leighton Noble's band, and he's without a femme vocalist. Polly Rowles and her husband, Frank Snyder, have gone to New York to see some shows.

Mrs. Leo Heyn, wife of Summit hotel manager, presented him with a second son few days ago.

Ann Grace, of Virginia Manch dancers at Yacht Club, better after emergency operation at the hospital.

Jerry and Turk have checked back into Yacht Club for another run after Coast and Chi dates.

Singer Brian McDonald, the local Major Bowes award winning fighter at the Gardens this season.

Warner Club has new modernistic, streamlined headquarters on mezzanine floor of Clark building.

Casino manager Ed Shafer on the sick list again and owner George Jaffe has taken over temporarily.

M-G's Howard Dietz came in from New York to serve as toastmaster at the Variety Club banquet Sunday (20).

Jimmy Roosevelt, in for Variety Club banquet, all smiles at the big party in 'Pastor Hall' doing at the Fulton.

Marriage of Gus Notopoulos, general manager of circuit bearing his name, last spring, has just been announced.

Half a dozen niteries have already given 'nights' for Fritz Zieve since he grabbed the welter crown from Henry Armstrong.

Airlines

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group of entertainers that took off at 11 a.m. on a chartered flag ship for Detroit, where they gave a mid-air show for the benefit of the British War Relief Fund. The show was at the Hotel Statler.

In the gang were Larry Adler, Stan Kavanagh, Peggy Wood, Nana Gollner, Anton Dolin, Sybil Brunner, Kitty Clark and Mrs. O'Keefe. After the show they flew back to the Airport-by-the-Sound.

Air

Deal is all set for Boake Carter to take the air to sell air tickets. United Air Lines is interested in the 13-week experiment to find out whether a radio show can sell airline transportation. To obviate any difficulties, Carter will stick to straightaway news in the new series of three-a-week broadcasts. He is to leave his opinions at home when he starts the show at 11 a.m. Fifteen-minute Carter-casts will begin tonight (23).

Band

Charlie Barnett's band, back at the World's Fair for closing week, had so much to do in so little time a chartered airplane was the only solution last week. The band closed at the Dancing Campus of the Fair Sunday (22) morning, piled into records Monday morning, piled into the Flagship at 4 p.m. and at 7 p.m. opened for a week at the Hotel Brunswick in Boston, after arranging for a return flight after the Saturday (19) finish of the hotel date.

The band filled the 21-seat plane and their luggage was crammed into every corner. Band is 16 men and Barnett and singers Harriet Clark, a Great Neck, L. I. gal, and Bob Carroll, New York law new with the outfit. Manager and valet made it 21 aboard.

Battle

Meredith Willson, who flew in from the Coast for the Chaplin pic he did music for, said he is worried about the ASCAP-BMI fight. The way it is dragging along, with no negotiating, makes the outlook dark, he said. Willson, composer of 40-odd numbers, is holding up work on a new radio program outline, "waiting for developments."

Names

American Airlines trafficked in names during the week. Monday (14) Dorothy Gish went to Washington and Dorothy Lamour flew out to Chicago. Tuesday (15) Allan Jones arrived from Los Angeles and on the same plane were Mr. and Mrs. Robert Cummings, while Schiaparelli flew in from Chicago.

Wednesday (16) Gail Patrick lifted for Los Angeles, and on the same Mercury flight went Wyn Rooper, manager for Dorothy Lamour. Thursday (17) saw the arrival of Father Flanagan, of Boys Town, and the departure of Ann Corio to Detroit and Leon Leonidoff, chief stager of Radio City Music Hall, to California.

Friday (18) lists noted Roscoe Karns bound for Hollywood, and Count Bernadotte, of the Swedish Pavilion at the Fair, off to Phoenix.

Cameras

Grinding at the airport were cameras of Long Island City's Audio Productions, Inc., last week. Saul Harrison, of the outfit, and a crew of men filmed TWA operations in some detail. The footage is to go into a reel on "What America's Industry Has Done for Our Country," or some such thing, for showings before Rotary, Kiwanis and other clubs.

Austraha

By Eric Gorrick

'Wind' clicking in the stix. Wirth's circus spotted in Perth, Western Australia.

Ralph Clark, Warners managing director here, recovered from operation.

Hal Thompson, U.S. radio player, hooked up with Australian Broadcasting Commission.

'Dick Bentley' has returned from London to join Australian Broadcasting Commission.

Tivoli loop planning panto this Yuletide in Sydney and Melbourne with imported and local talent.

With uplift in munitions production, trade is speeding in pic houses throughout Victoria as employment grows.

Seal exploitation given 'Convoy' (ATP) for Greater Union. Syd Gresham, ATP rep, is personally handling.

Williamson-Tait planning to stage panto 'Aladdin' in Sydney this Yuletide. Show was a hit in Melbourne last season.

With a better flow of product on tap from city runs, biz in the labels is picking up, with most of the marquee shows showing U.S. fare.

Bob Dyer, currently playing Tivoli loop, wed to Aussie ballet gal. Dyer originally came from the A. B. Marcus unit from the U.S.

Artists, imported and local, are freely giving their services to entertain the troops located in the various camps throughout the Commonwealth.

'Looks as though Stanley Crick will be given a knighthood for his war-time work as Sydney's Lord Mayor. Crick was formerly local head of 20th-Fox.

Gathering a very strong product lineup, Greater Union Theatres, under Norman B. Rydge is expected to return a nice profit covering balance of year.

Trade high in New Zealand with 'Tivoli' and 'Swane' River (20th), 'Road to Singapore' (Par), 'Young Tom Edison' (M-G) and 'Pinocchio' (RKO).

Peter Dawson is doing special 'sing-as-you-work' sessions for the Australian Broadcasting Commission on national relay, featuring mostly homebrew patriotic numbers.

If present conditions are successful, the Tivoli loop will again send shows to rebuild the vaude-revue biz dropped when monetary restrictions hit the zone two weeks ago.

As a biz build for 'It's a Girl' at Minerva, Sydney, management is giving away crazy gifts to audience, similar to those distributed by Olsen and Johnson in New York's 'Hellzapoppin'.

Following heavy pressure, Sydney's Crystal Palace was held as usual next Easter. It had been previously decided to drop the Fair, but arrangements have been completed with the military authorities to transfer troops elsewhere for a short term to permit use of grounds.

Minneapolis

By Les Rees

Ballet Russe due in for two days with Minneapolis Symph. 'Circus' angle, Paramount booker, daddy of a baby girl.

Glenn Gray, Harry James and Ink Spots underlined for Orpheum.

Minneapolis Auditorium to get Billy Rose's 'Aqueduct' show, with Esther Todd, into Hotel Lowry's Terrace Cafe.

W. H. Workman, M-G-M branch manager, confined to home by illness.

Helen Morgan the next headliner, following Nick Lucas, at Curley's night club.

Dr. Clair Ames, Protestant minister and Twin City Variety club chaplain, passed away.

Theodore Hays, vet Minnesota Amuse. Co. executive, back home, after rest in hospital and improving in health.

Happy Hour niteri dicker for 'Fats' Waller as successor to Freddie Fishers' 'Schickelitz' still going strong, however, after 14 weeks.

Twin City Variety club held farewell party for Ben Ashe, indie exhibitor, moving to Everett, Wash., with Bill Elson, Dave Berger and Hy Chapman in charge of arrangements.

Philadelphia

Ben Lemisch has quit Club Ball. Ralph Borelli, director of WPEN's Italian programs, celebrating 21st year in radio.

Trenchard E. Newbold has taken over the Evergreen Casino from Harold Larzaire.

At Watton, of KYW program department, latest convert to the Bucks county bucolic life.

Brook Pemberton to guest on Philly Record's '9 O'Clock Scholars' on WIP tonight (Wednesday).

Ned Sparks in town, studying part in 'Second Helping' in which he'll open when the play leaves town.

Adele Norella, vocalist with Joe Frassetto's WIP house band is mulling

an offer to join edition of George White's 'Scandals'.

Jo-Anne Veston, secretary to Lambert B. Beeuwkes, KYW sales manager, has resigned to wed Carlos Hernandez, Cleveland importer.

The bands of Jack Teasdale and Sydney Bechet have been booked for the annual ball of the Philly Newspaper Guild Oct. 26 at Town Hall.

George Grossman, member of back team of Lebrun and Grossman, was 36 Oct. 16, Conscription Day, and had draft officials guessing whether he was an eligible.

Chicago

Dave Rubinoff in town. Valerie Thon goes into the 'Hi-Ya Gentlemen' show, which will have Maxie Baer.

Humphrey Doullens in town, accompanying Grace Moore for Columbia Concert.

Irving Berlin back to New York after appearing at Music Appreciation show in the Stadium.

Lillian Gish, some time in the future, will go out on a lecture tour along with some clips of her old-time flickers.

J. J. Shubert in for a squint at 'Meet the People' in the Grand, conferring on its possible housing in Times Square.

Fred Levings and Mildred Sanders wed in Omaha. He's Chicago press agent, bride associated with him in publicity.

Ed Silverman and Emil Stern, Essaness, to New York for confabs on possible roadshow film booking into the loop Woods now that 'Gone' is exiting.

Mary Gorgas, for 12 years associated with Fred Evans as assistant dance director, is quitting the business for home and hubby sometime in November.

William Rodgers, sales manager of Metro, explained sales and company policies to exhibitors following grandiose gratis luncheon for the exhibitors at the Blackstone last week.

Oscar Serlin in and giving the cast of 'Life With Father' a few rehearsal workouts. Lillian Gish, incidentally, had a birthday last week and the entire audience of 'Father' joined in singing 'Happy Birthday'.

Kids' Boozing

Continued from page 1

list with 24 mentions: bourbon, 22; scotch, 17; and beer, 23.

She suggested a unified complaint to Hollywood to 'keep liquor out of films.'

De-Glamorize Drinking

Ocean City, N. J., Oct. 22.

The Women's Christian Temperance Union of New Jersey, meeting here in convention, last week launched a campaign to take the 'glamour out of drinking in the movies.'

Said Mrs. Mary DuBois, prexy of the organization: 'Out of 140 pictures reviewed by our film committee, 113 tended to glorify drinking.'

Tom Mix

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daughter, Mrs. Ruth Mix Knight, were disinherited with \$1 apiece.

Mrs. Mix, now 19, is provided with an income of \$500 a month until her 25th birthday, after which she inherits half of the estate.

Cutting off the former wives, the will reads: 'I declare that I have been previously married. I do not desire that any of my former wives, or my said daughter, Ruth Mix, now known as Ruth Mix Knight, in any wise participate in this will.' (Mrs. Knight is well married).

Bequest to Parker provides for the upkeep of the ancient horse, Tony, now grazing on the Mix ranch in San Fernando Valley. It will be moved to the adjoining Parker ranch. The will turns over to Parker 'all my western equipment, including all my saddles, and bridles, all bits, martingales, hackamores, guns, hats, chaps, boots, belts, western wardrobe and like paraphernalia; also all prizes, trophies, cups, vases and animal heads.'

The exact amount of the estate was not revealed in the will, but it is believed to be large.

Parker was appointed special administrator of the Mix estate to facilitate the return from Arizona authorities of the actor's diamond-studded belt, other jewelry, his car and \$6,000 in cash which he carried on his person at the time of his death. The personal property, impounded after the accident, is valued at \$15,000.

The petition for probate, filed by Ralph W. Smith, attorney, values the estate at 'more than \$10,000, with an annual income in excess of \$3,000.'

Hollywood

Dolores Del Rio laid up with flu. Anna Neagle celebrated her 30th birthday.

Robert Siegel to Manhattan to ogle stage plays.

Jan Fortune returned from a Honolulu siesta.

Henry Ginsberg at home nursing his bronchial tubes.

Lou Brock and Alberto Vila arrived from New York for the day.

So Lesser closed his ranch house and moved back to town.

Errol Flynn reported for work after a siesta in Honolulu.

Jim Carroll, town of mutlie into the army bag of a major.

William Brighton moved from the Volck to the Rivkin agency.

Dick Dickson recuperating from his second operation in days.

Virginia Kraft and Fritz Feld announced their intention to marry.

Marjorie Kummer Young granted a divorce decree from Roland Young.

Russell Hayden, who won monetary title as a colonel in New Mexico.

Bert Wheeler drove in from Harrisburg, Pa., to resume picture work.

Harry Chipman returned after a season with the Wallace Bros. circus.

Saul H. Bornstein checking up on the Irving Berlin offices along the Coast.

James Cagney back from his summer home at Martha's Vineyard, Mass.

Leo Carrillo delegated as grand marshal of Kansas City stock show, Nov. 8.

Jack Pegler hoped to Tucson to join Hal Horne enroute back to New York.

Wilton Beecher joined the Sam Jaffe agency as head of the story department.

Walter Brennan hopped out on a three-week tour of personal appearances.

Myer Schline here for a two-week holiday from his eastern theatre chain.

Murray Silverstone and Charles Schwartz in town, huddles over United Artists product.

Bill Jordan closed his Hollywood Bar of Music for the winter, to reopen his niteri in Miami.

Thomas P. Loch moved in from New York to take up his job as vice prexy of Monogram Pictures.

Ralph Bowman, whose name was changed to John Archer by RKO, has resumed his old job as monkey.

Budd Rogers in town for huddles with W. Ray Johnston on Monogram release for Associated British Pictures.

Al Kingston leaves Feldman-Blum Nov. 1, and will continue to operate on his own with Dave Barron, Larry Witten and Fred Katz as associates.

Buenos Aires

Legit houses making plans to shutter as spring cuts b.o.

Colon opened the Strauss 'Gypsy Baron' as final of a special group of four; got razz from critics.

Hector Villa Lobos arrived in Montevideo, Uruguay, for series of officially sponsored concerts.

'Mortal Storm' did big at the Gran Rex, hailed as strengthening Argentine anti-Nazi sentiment.

Josefina Aguilar, Mexican singer, in special program on Radio El Mundo, leading Son American outlet, dedicated setup to U.S.

French comedy theatre, headed by Rene Rocher, opened play series at the Grand Rex, with of France leaves group undecided where it will go from here.

Cine Belgrano and several other films getting a smashing. Air conditioners also spotted for several nubes. Plenty of pic houses equipped for summer biz but not legit.

Cesar Ratti, actor, honored for record of 250 consecutive performances. Benefit show at the Apollo sponsored by General Society of Argentine Authors, Argentine Society of Theatrical Impresarios and Association of Actors and Association of Radio Artists.

St. Louis

By Sam X. Hurst

Dorothy Maynor, Negro soprano, made local debut at Principessa College last week and drew 1,100.

The Four Collegians and Woods and Bray are featured at Club Continental, Hotel Jefferson, currently.

Edmund L. Haffner, former native, reportedly sold an original 'Female of the Species' to M-G for \$15,000.

Playgoers of St. Louis, Inc., guaranteed success of 'Skyark' at American theatre last week by buying 1,200 seats during run.

Skedded talk by Norman Thomas in the Rodgers flimery, Carbondale, Ill., last week, cancelled when American Legion chapter registered vigorous squawks.

Vladimir Golschmann, recently naturalized and who begins 10th season as baton-waver of St. Louis symph orch, will be guest of honor at dinner when new roof garden at Hotel Chase opens tomorrow (Thursday).

OBITUARIES

AL H. CANBY

Al H. Canby, 84, retired theatrical manager, actor and former newspaperman, died Oct. 15 at the Brunswick Home, Amityville, L. I. For the past 10 years he had been a guest of the Percy Williams Home, East Islip, L. I., from which he was taken to the Brunswick, a nursing home, when taken ill.

Of Quaker descent, Canby was born in Ellifford City, Md., and served as a reporter on the Baltimore American and Philadelphia Public Ledger before taking up acting. He was initiated into the theatre at the old Baltimore Academy of Music, where his work proved so promising that he was advised to make the drama a career. In 1878 he made his professional debut with the Chestnut St. Theatre company, Philadelphia.

After a brief period on the stage Canby became business manager of the Walnut St. theatre, Philadelphia. Later he was associated with William T. Carleton's Comic Opera Co. and remained in this field as director of several comic opera hits produced by Ralph Aronson at the Casino theatre, New York.

For 10 years Canby directed Francis Wilson in such productions as "The Merry Monarch," "The Oolah" and "The Merry Corporal." He produced "The Prince of Pilsen" and "Quo Vadis" in London. Upon his return to America, Canby managed Mrs. Patrick Campbell, Kylie Bell and Ellis Jeffreys in association with George C. Tyler. He also directed the American tour of Charles Frohman's "Circus Girl." Prior to his retirement he managed Alla Nazimova and was an associate of David Belasco and John Golden.

A life member of the Actors' Fund and a member of the Lambs, Canby leaves no immediate survivors. Funeral services were held Friday (18) in New York under auspices of the Actors' Fund. Burial was in Woodlawn Cemetery, N. Y.

BEILA BLAU

Beila Blau, 44, Broadway legit producer, died Monday afternoon (21) of a heart attack in the office of a physician, Dr. A. H. Covelier, whose office adjoins that of Blau in the Sardi building, New York. Blau had suffered a severe cardiac pain and rushed to the medico. He had not previously been subject to a heart condition.

Blau's most prominent presentation was "Having a Wonderful Time," which he produced in association with Marc Connelly on Broadway several seasons ago. With Connelly, Blau had also presented "The Two Bouquets" on Broadway a couple of years ago.

Born in Hungary, Blau was brought to New York in his youth after spending his early childhood in London. A certified public accountant, at the age of 21 he lectured at City College of New York on accountancy.

He had at one time been a member of the Theatre Guild's business staff.

He launched his producing career in 1930, when a subscription idea enabled him to raise \$105,000 with which he presented three plays on Broadway.

Widow and daughter survive.

JOSEPH LIGHTSTONE

Joseph Lightstone, 50, Quebec and Ontario theatre man, died last week in Montreal. He managed the Orpheum, first-run Montreal theatre, and headed Variety Amusements Corp., which operated that house and the second-run Mayfair, Montreal. Death due to a heart attack.

Retiring from the tobacco business in 1927, Lightstone joined Consolidated Theatres as manager of a chain of alimeries in Sherbrooke. Shortly afterwards he was transferred to Toronto, where he managed a stock company at the Victoria theatre. Returning to Montreal, he was appointed manager of the Princess, then resigned from Consolidated in 1931 and went to the Orpheum to head Variety Amusements, operating permanent stock companies from that house. In 1937 he turned the Orpheum into a film house.

MARGUERITE ST. JOHN

Marguerite St. John, 79, retired actress who once appeared with Marie Tempest and George Arliss, died in New York Oct. 16 after a long illness.

The widow of George Murray Wood, Miss St. John was born in London and made her New York debut 40 years ago in "The Lion and

the Mouse." Four years later she played with Eleanor Robson in Israel Zangwill's "Merely Mary Ann" and also had a part with Ruth Chatterton in the original production of "Come Out of the Kitchen." Other plays in the repertoire were a revival of "Caste" with Marie Tempest and "Disraeli" with George Arliss. Miss St. John last appeared in "Aren't We All" at the Gaiety, N. Y., in 1923. She leaves a daughter, Marjorie, and a son, Stanley.

WILLIAM MOORE

Waldemar Wysocki, 25, former Harvard football player and boxer, known on the stage as Walter Moore, died Oct. 20 when he leaped through the third-floor window of his estranged wife's apartment in New York. He died instantly.

Moore, who appeared with Gladys George in last season's "Lady in Waiting," was attempting a reconciliation with his actress wife, Mary Rockwell, whom he wed a year and a half ago. She told police she had separated from her husband about 10 days ago and gave instructions that he was not to be admitted to the apartment. When an argument ensued he lunged past Miss Rockwell and crashed through the window.

Miss Rockwell made her Broadway debut in Ward Morehouse's "Miss Quiss" three years ago.

MAURICE A. (MORT) SHEA

Maurice A. (Mort) Shea, 60, president of the Sine circuit, which operates 42 film theatres, chiefly in Ohio, New York and Pennsylvania, died Oct. 19, after a long illness, in the Presbyterian Medical Center, N. Y.

Born in Williamsett, Mass., Shea started in the amusement business 35 years ago as an agent. When vaude was at its peak he represented such stars as Vernon and Irene Castle, Will Rogers and Elsie Janis.

When pictures began to rival vaude Shea turned to exhibition and founded the circuit known as Feiber & Shea. His partner retired some 15 years ago.

He leaves his widow, Mrs. Margaret Shea; three sons and a daughter. Further details in film section.

SIDNEY JACKSON

Sidney Jackson, 37, actor and more recently a business contact man with the Green Bros. & Knight, publishing firm, died Oct. 17 in Brooklyn, N. Y., from injuries received when he was struck by an auto at the Floyd Bennett airport, N. Y.

He leaves his parents, both former performers; a sister, Marilyn, and three uncles, Mac, Bud and Johnny Green of the music firm. Funeral services were held in New York Sunday (20).

Details in the music section.

FRANK PERKINS

Frank Perkins, 45, known to radio audiences as "The Cynic," died in his Detroit hotel room Oct. 15. An autopsy was held to determine whether the commentator, heard over WJBC, Detroit, with sound advice and grumblings, had taken his life with an overdose of sleeping pills or had died of a heart attack. Findings were inconclusive.

Reported to have died penniless, a collection was sponsored by Charles Oakman, secretary of Mayor Jeffries, to pay for his funeral expenses.

CARRIE NOVARRÉ

Mrs. Mary Wight, 102, who appeared on the stage in the 19th century as Carrie Novarré, died Oct. 15 in Phoenix, Ariz.

Born in Osceola, Ark., she wed Edwin Wight, a Shakespearean actor, at the age of 26, and toured with the Laura Keane stock company, which appeared at Ford's theatre, Washington, the night Abraham Lincoln was assassinated. Mrs. Wight was not a member of the company on that occasion.

MARY WILCZEK

Mary Wilczek, 70, of Pleasantville, N. J., former concert violinist, died suddenly Oct. 15 at the home of her sister, Mrs. Ruth Flaster, former Shakespearean actress.

Mrs. Wilczek, born Mary Reuck in Pittsburgh, studied in Berlin and Cologne, where she met and married Franc Wilczek. For some years they traveled with their own company and later Mrs. Wilczek became concertmaster for the Boston Fiddlers, a 60-piece orchestra of women.

BEN OSTROW

Ben Ostrow, 35, theatre manager and picture man, died Oct. 16 at

St. Luke's hospital, N. Y., of tuberculosis, from which he had suffered for more than two years.

For many years an employee of the Skouras theatre chain in New York, he served as manager of the 7th Street theatre and publicity man for the Academy of Music. More recently he had done free lance publicity for Universal Pictures.

Widow and two and a half year old daughter survive.

AUGUSTA HAMMERSTEIN

Augusta Hammerstein, 67, widow of Harry Hammerstein, died Monday (21) at Ardsley, N. Y. Her husband, architect for the Manhattan Opera House, N. Y., built by Oscar Hammerstein, was not as active in show business as other sons of the impresario, Arthur, Willie and Oscar, II.

She is survived by Theodore Hammerstein, only son.

HOWARD T. KALBFELL

Howard T. Kalbfell, 40, joint owner with his brother, Charles, of two St. Louis nabes, died last week in St. Louis. Charles Kalbfell, father of the brothers, erected the Pauline in 1916, and the sons acquired the Robin in 1936. Widow and daughter survive.

Death due to natural cause.

THOMAS J. WALTEBAUGH

Thomas J. Waltebaugh, secretary of the Grand Opera House, Canton, O., for 35 years, and for a time manager of Lyceum theatre, Meyers Lake, nearby summer resort, died Oct. 15 at an Akron, O., hospital after a long illness.

FRANK H. KELLER

Frank H. Keller, 64, veteran North East Pa. exhibitor and operator of the Keller theatre there, died suddenly at his home in that town recently.

A nephew of Harry Keller, the magician, Keller also owned a house in Westfield, N. J.

Father, 72, of Sam Katzman, film producer, died Oct. 16 in Hollywood.

BOND PAID \$5,600,000 FOR N. Y. CASINO BLDG.

Bond Clothes, world's largest retail clothing establishment which will shortly occupy the building erected at 45th and Broadway for the International Casino and Criterion theatre, represents a major realty deal. Clothiers bought the property at a reported price of \$5,600,000 and are spending \$500,000 to remodel the spot, particularly the second floor.

Site was formerly occupied by the New York, old Criterion and a roof theatre. At one time, Paramount, which owned the property, was offered \$10,000,000 for the block front, but it was rejected by Adolph Zukor, then Paramount's president, had other plans. Brownstone fronts on 44th and 45th streets were acquired, it being proposed to build the world's largest theatre, but the plot eventually went to the bank.

Bond outfit will have a certain amount of rent from the occupied stores on the block and the new Criterion theatre. Other revenue includes the rent for the Spearpoint sign, which occupies the entire roof front, totalling \$125,000 annually.

Present Bond shop at 46th street has Harry C. Monroe in charge. He will be elevated when the new plant is opened.

MARRIAGES

Oliver Hagen to Raymond E. Plamadore, in La Crosse, Wis., Oct. 4. Bride is organist with station WKBH, La Crosse; he's announcer on station.

Bernadene Wagner to William Van, Oct. 12, in Las Vegas, Nev. Both in sales promotion for CBS in Hollywood.

Ray Charles and Bee Arden, in Chicago, Oct. 16. Both are members of a quartet known as the Four Top Notes.

Ann Loring to Herbert Rudley, in Greenwich, Conn., Oct. 8. Both are legit players.

June Knight to Harry Packer, in Yuma, Ariz., Oct. 19. Bride is a film actress.

Steffi Duna to Dennis O'Keefe, in Phoenix, Ariz., Oct. 20. Both are picture players.

Nina Dainty to Ernest Laemmle in Yuma, Ariz., Oct. 3. He was nephew of Carl Laemmle and is a scenarist; bride is writer.

Literati

Centaur Goes Broke

Centaur Publications, Inc., publishers of 22 magazines, filed a voluntary petition of bankruptcy in N. Y. federal court Saturday (19), listing \$34,870 in assets and \$134,455 in liabilities. The bankrupt started in business in January, 1934.

Among liabilities are \$1,283 to employees and the Government, and \$3,745 to Funnies, Inc., which is the only secured creditor holding 100,000 back copies of the bankrupt's magazines. Other creditors are World Color Pig. Co., of St. Louis, \$43,083 for printing; Kable Bros., of Illinois, \$15,377 on cover printing; Koppel Photoengraving Co., of Connecticut; \$12,275 for engraving.

Among the magazines published by Centaur are Amazing Adventure Funnies, Amazing Mystery-Funnies, All Detective, The Arrow, Detective Eye, Masked Marvel, Keen Detective Funnies, Movie Funnies, etc.

One-Man Mag

New one-man version of the New Yorker will go on sale throughout the country December, 1940. Tagged Don Freeman's Newstand, a Journal of One Man's Manhattan, it's an outgrowth of a mimeographed sheet with which Freeman, trumpet player, writer and cartoonist, has for a long time been entertaining his friends.

One of the friends, Reeves Lewenthal, Fifth avenue art dealer, has taken Freeman's idea under his wing and will publish the new mag. Freeman is doing most of the writing and drawing and all the editing. He will have guest writers and artists, however, who include, in the first issue, John Steinbeck and William Saroyan. They're working for free.

Subtitled "As Personal as Your Laundry Check," it will be a monthly and printed off-set. First number will have 100 pages. It will sell at \$2.75 a year and carry no advertising. There will be no effort to make a profit. Lewenthal, who has sold art by mail order, will handle subscriptions in the same manner he does his art, and from a test campaign anticipates 30,000 orders after the first issue.

Bud Fisher Shells Out \$3,000

New York supreme court jury recently nixed Bud Fisher, creator of "Mutt and Jeff," for \$3,000 on charges by Lillian Ward, 44-year-old nurse and companion to the 56-year-old cartoonist, that he beat and slandered her. Miss Ward is said to weigh about 200 pounds, Fisher about 120.

Miss Ward asked damages of \$80,000, claiming two broken bones in her face as well as 21 permanent injuries, including damage to her hearing. Nurse testified that they first quarrelled in 1937 when Fisher injured her arm and shoulder, but that she returned to his Park avenue, N. Y., apartment a week later and remained until the final holocaust in August, 1939.

Fisher denied any knowledge of the assault. Counter-claims of drunkenness were made by both sides.

Rosten's Film Work

Leo Rosten (Leonard Q. Ross of the New Yorker) has returned to work on the sociological study of Hollywood which he has been making on Carnegie and Rockefeller Foundation grants. A former economic professor at the University of Chicago, he was called from Hollywood to Washington for a three-month stint as an advisor on part of the defense program.

Rosten's three-volume work on the film industry will be published next March by Harcourt-Brace. He has been working on it for three years with a corps of 14 researchers. Grants totaled \$100,000.

Franco-U. S. News Syndicate

Pierre Lazareff, refugee editor of the Paris-Soir, No. 1 French daily, now in New York, and George Kessel, former ace writer on the Paris-Soir, also in the U. S. currently, are planning a Franco-American news syndicate setup.

Both have widespread literary contacts on both sides of the pond.

Literati Show in Mpls.

Latest in show of 'shows' in Minneapolis, where so many new types of shows get started, is an "Arts and Books Show" at the Auditorium. Such lectures as Vincent Sheean, Will Durant and Louis Untermeyer are headliners, and books, works of art and similar related objects are on display. A local group conceived

the idea of the show, which gets its revenue from exhibitors and the admission charged at the gate.

A Sportsmen's show, started at the Mpls. Auditorium, was so successful that its local promoters have taken it to numerous other cities. In this instance, too, revenues were derived from exhibitors and gate admissions. Acts include ski jumpers, skaters, crack shots, axe wielders, etc.

Woman's World Bankrupt

Woman's World Publishing Co., publisher of the magazine Woman's World, has filed a voluntary petition of bankruptcy in the N. Y. federal court, listing assets of \$423,843 and liabilities of \$614,730. The bankrupt has been in business since September, 1932.

Among liabilities are \$718 in salaries, \$1,177 to the government for taxes and social security, \$34,439 to secured creditors and \$496,625 to over 1,500,000 subscribers. There are approximately 500 creditors. Largest of the assets is \$396,000 for good will. Others include accounts receivable, claims and cash.

LITERATI OBITS

Hiram Wier, 82, retired editor of the Halifax (Can.) Mail and v.p. of the Halifax Herald Corp., died suddenly last week in Halifax after a heart attack.

Daniel G. Fogarty, president of Augusta (Ga.) Daily Herald Publishing Co., died Oct. 15 in Atlanta after long illness. Also was lawyer and referee in bankruptcy.

CHATTER

A. J. Cronin at work on a new novel at York Harbor, Me.

Harry Stevens in Hollywood, lamping the studios for Life and Time.

Phyllis Black, of Thornton, Texas, has authored a book on Eleanor Roosevelt. Book off the presses recently.

Pierre Van Passen has switched from Hillman-Curl publishing outfit to Dial Press. His best seller, "Days of Our Years," goes over with him. Cynthia Whelan and Bob Garland commission by the Cosmopolitan to write a series on Greenwich Village. First probably starts in the Feb. issue.

Betty Judell will do special rep work for Architectural Forum on the Coast, although retiring from the regular N. Y. staff since marrying Jerry Horwin, playwright.

Jimmy Powers, political reporter for the N. Y. City News Assn., honoree at banquet Friday (18) in Asbury Park by group of newsmen, editors and political leaders celebrating Powers' 20 years as a newsmen.

BIRTHS

Mr. and Mrs. Carl Bonner, son, in Detroit, Oct. 13. Father is orchestra leader; parents formerly were dance team of Carl and Leona Bonner.

Mrs. and Mrs. Jose Perre, daughter, Oct. 15, in New York. Parents are legit players; mother is Uta Hagen.

Mr. and Mrs. Kenneth Workman, daughter, in Fresno, Cal., Oct. 6. Father's manager of Tower theatre there.

Mr. and Mrs. Robert McKee, daughter, in Chicago, Oct. 1. Mother's former Billie Mulvihill, Pittsburgh actress formerly with Samuel Goldwyn as Evelyn Terry; father's doing radio work in Chicago.

Mr. and Mrs. Howard W. R. Sturges, son, in Saginaw, Mich., Oct. 12. Father is owner of Gem theatre, Detroit; son will be named for W. R. Sturges, Republic salesman, the grandfather.

Mr. and Mrs. Richard Kelly, daughter, Oct. 14, in Milford, Conn. Father's engineer at WICC, Bridgeport.

Mr. and Mrs. John Mason Brown, son, in New York Oct. 18. Father is drama critic for the N. Y. Post.

Mr. and Mrs. Lew Wasserman, daughter, in Hollywood, Oct. 19. Father is Music Corp. of America in Hollywood.

Mr. and Mrs. Charlie Ryan, son, in New York, Oct. 14. Father is with the "Smoothies" vocal group; mother is non-pro.

Mr. and Mrs. Carroll O'Meara, daughter, in Los Angeles, Oct. 21. Father is assistant manager of Young & Rubicam agency in Hollywood.

Mr. and Mrs. Harry Zoog, son, in Atlantic City, Oct. 16. Father manager of WFPG (Steel Pier), Atlantic City.

Mr. and Mrs. Hal Newell, daughter, in Boston, Sept. 24. He's an announcer at WEEB, Boston.

German Pix House in N. Y.

Continued from page 3

he forgot to include the gunplay and sky battles that might draw around the audience sufficiently from its aim to get the message.

While business was good at the 60th Street on opening day, there was nothing like the excitement that attended the preem of the scenes of the Polish defeat three months before. The house was full, but not packed with standees. This despite the admonition in the program, "Englisch nur 2 Wochen" (Definitely Only Two Weeks).

Included on the bill also are the "Newest UFA Newsreel," short, "Army, Cavalry and Driving Schools at Hanover," and another brief, "Die Hochzeitreise" ("The Honey-moon"). Newsreel is what brings out any latent enthusiasm in the theatre's patrons. For in it are plenty of shots of Der Fuehrer and the swastika. Bana call forth with cheering, slightly amazing within a mile of 100 spots where Adolph would be slung from a lamppost before he could mutter "Lebensraum."

Tough Giver-Uppers
Another feature at the 96th St. theatre is the Teutonic lad in the lobby rattling coins in a box which asks for contributions to the favor of the chairman of the customer's favorite dictator, the German Winter Relief Fund. Apparently the Nazi enthusiasm doesn't extend to the pocket-book—or else Yorkvillians are making all their contributions directly to relatives in the Reich—as only about one in 10 placed a coin in the charity box. Afternoon crowd, made up mostly of German housewives, are somewhat more liberal, not only giving but in their cheering of Der Fuehrer.

"D III 88," which incidentally is the number of a plane, was produced for Tobis by Hebert Hegle. Story is of two young pilots. When bombs jam in the cockpit of a plane they are flying, the one makes an inspection and tells his partner it will be impossible to land. The partner says, "Out and the fellow who said the plane couldn't be landed bravely stays in the machine and sets it down lightly as a feather. He becomes a hero. He also becomes the enemy of the other fellow, who later purposely tricks him up, grounding both boys for insubordination. (This brings out that heroism is rewarded by the Luftwaffe, insubordination penalized. Get it?)

Suddenly trouble at sea finds the two boys the only fliers around the airport when help is needed. They rush to their plane and take to the rescue. But they too get in trouble and wireless the field that they are down. Then up an old lieutenant, a kind of overseer at the field, who wheels out of the hangar, where he hasn't been used for years, old "D III 88," which he flew in the World War. He sights the boys, makes contact with a ship to pick them up and then lights on the sea to die peacefully, his duty called. He had been previously warned of his weak heart, but failed to pay attention when the Reich needed him.

Theme Song

Words to the march used throughout the film are printed on back of the program. The call is "Eliase Siegler" ("Eliars are Victors"). It goes:

We chase through the air like
Wotan's wild army,
We look through breaks in the clouds
and thunder over the sea.

We are carried high by the sways,
wee over hills and valleys,
When the proctor sings in the early morning
(Refrain)

Fliers are victors,
Fliers are victors,
Fliers are victors,
For Germany's greatness.

Newsreel is preceded by an un-billed sequence on Japan clearly an effort to promote good feeling as result of the recent tripartite pact. Other titles in the news are "The German superhighways are also being built during the war; interesting pioneer exercises with special pioneer tanks; German furloughers (this shows soldiers at an amusement park; there seems to be a note of sadness in the gay time they are supposed to be having); visit of Der Fuehrer to the Krupp works; the victor (commanding officer) at Narvik visits Der Fuehrer; blockade around England; pictures from the African war theatre (Italians bombing Sidi Barrani); German war navy in action (torpedoes shown leaving German battleships); German torpedo shown striking another ship, but whether it's the same torpedo is something else again; also not clear that it's a British ship hit).

Scenes in the short on the training schools are rather interesting, showing in slow motion, equipment being pulled by horses and tractors, which stop at nothing, including brick

walls. They're similar to many newsreel shots of the U. S. Army at various training bases.

The 96th St. theatre's program, incidentally, also carries ads for "Empfehlenswerte deutsche Geschäfte" ("Recommended German Stores"). One of these is an outfit which handles the forwarding of money and food to Germany for a fee. The second is for Hans Renz, a jeweler and watchmaker, who leaves no doubt about his leanings. Ad carries the line, "Ein Deutsches Geschäft in Wort und Tat" ("A German Business in Word and Deed").

No Like Nazi Newsreel

San Francisco, Oct. 22. Newsreel theatre's stunt of playing a Nazi newsreel didn't set so well with film row here, many of the boys muttering under their breaths and one exchange manager going so far as to express himself in terms that were more than muttering. Principal burn was over fact that reel was left intact, including lengthy montage climax full of fluttering swastikas and clanking churchbells in jubilation over French defeat.

House operated by Aaron Goldberg and Bucky Williams.

Milwaukee's Nazi Reels

Milwaukee, Oct. 22. Ordinarily the German Kino, a nabe house and only theatre in town showing exclusively German motion pictures the year around, plays a picture only two or three days at the most, but "Blitzkrieg in Poland," which Hitler sent into Belgium, Holland, Norway and other European countries to terrorize the inhabitants prior to his invasion of their lands, is now in its third week here and still doing business. It is advertised as the official German record of the Polish campaign and entirely in English, meaning, of course, the titling.

Theatre is situated in a strongly German district, and so far the "Blitzkrieg" film has been tolerantly received and without any open opposition.

U. S. Television

Continued from page 1

a job and incipient war may stop it altogether. Thus at the unforeseeable end of the present world war, America may still have failed to take the leadership away from London. The stunning solar plexus blow to RCA's midriff delivered by the Federal Communications Commission last spring has apparently taken most of the wind and light out of that organization. Faced with the Government philosophy that all must wait for the slowest among them and with no plausible way of getting back any portion of an already staggering investment in television, RCA is understood to be loath to go beyond routine programs such as recommendation this weekend.

These factors are now present in the television situation:

1. General stalling by all parties.
2. The possibility of national defense or war putting television on the shelf for an indefinite period.
3. The confusion factor introduced by CBS publicizing of 'color television'.
4. The probable seeking of new alliances by television companies to share the program burden possibly with Hollywood.

RCA-Metre Link?

Unverifiable reports have mentioned the David Sarnoff's present trip to the Pacific coast was for the purpose of conferring on possible future television relationship between NBC and Metro-Goldwyn-Mayer. However, the official and only statement is that the head of RCA went west for the first time in seven years only as a matter of pleasure and renewal of business contacts.

Until the FCC's action in bringing RCA-NBC up short in a just-launched sales promotion campaign it was commonly stated that the radio industry wished to control television to the exclusion of Hollywood. Now, however it is thought that Hollywood may be a natural partner.

The overhead of program creation for television is a terrific load to carry and it is doubtful that as things now stand RCA could justify new huge experimental program ex-

pensitures to its stockholders. CBS, of course has frankly no intention of doing anything more than show-boxing. Recently when its one-man engineering department Peter Goldmark, rushed in a demonstration of color television (using a super-imposed mechanical scanning principle) the immediate result was to steal the show from RCA-NBC. The FCC was delighted for reasons of its own. Meantime there is heard of the Paramount-Dumont partnership.

Between the present national defense situation the planting of the thought that television should begin with color and not ordinary black and white, and the slow mending of bruises, the great advantage America was expected to have over England when BBC's comparatively advanced television was abandoned has perhaps already been lost. After a burst of progress all real advancement has stopped on this side.

Leblang-Postal Agency Further Shaken Up

Leblang-Postal ticket agency, which underwent changes recently when Tillie Leblang Jasie was made president again and her daughter, Etta, named treasurer, has had further personnel changes and several withdrawals. Friction appears to have cropped up over the insistence that the agency be entirely systematized, staff not being in agreement over the ideas coming principally from the state banking department's representative, business being in receivership.

There were three letouts when the switch in officers was effected. Several weeks ago Bob Frey, one of the agency's key men, resigned. He had been in charge of the Postal department since it was incorporated in the Leblang enterprise. Last week Benny Kaider, a mainstay at the premium ticket counter, also handed in his notice.

Further changes are likely. Leblang's is among the 'big three' of Broadway ticket agencies, along with McBride's and Tyson (Sullivan-Kay).

FILM BIZ IN INDIA HIT

Bombay, Oct. 1.

Business generally—and the film industry in particular—has been perturbed by the recent increase of 12 1/2% in railway freight rates throughout India.

Unlike some other trades the film industry cannot transfer the burden to the consumer, because of the impossibility of increasing admission rates.

Bills Next Week

Continued from page 48

Northwood Inn
Hartwell
Curtis & Claire
Marie Holm
Sammy Dilibert
Rudolph Beach
Dale Rhodes
E. Nelson
Ruth Hays
Cheney & Harley
Paul Burton
Cora Vesta
Huck's Redford Inn
Mac McGraw
Joe Kroyale
Paul Rosini
Sylvia Price
Faye & Wellington
Royalettes
J. Buckhardt
Statter Hotel
Carmen Castillo
Lina Romo
Miguelito Valdes

CLEVELAND
Singing Marines
Blanche Bradley
Pierce & Roland
Gerner & Sw
Hotel Statler
Jore Norland
Honnann Armengod
Catalina Holm
Jack & Eddie's
Rubertino, Roberts
Barbe Sherman
Arlene Rice
La Conza Club
Ramona Affias
Lindsey's Bar
Roy, Raynor
Julie Wilson
Pearl DeLuca
Mound's Club
Vd Prunella
PARK Pears
Sallying Welch
Olio Villa
Benny Fields
Castle & Barrett
Loy. Lou Selva
Alice Purnell Line
Miss Spitalny
Thirty-Seven Club
Marilyn Warner
Frances Paul
Pat Dennis
Parisian Divorces

Football

By Dick Fishell

(WHN, N. Y., Sports Commentator)

Manhattan-Duquesne
The Manhattan Jaspers are under-manned and playing a suicide schedule. The Dukes are too strong, and will win going away.

Alabama-Mississippi State
State is the dark horse of the south, but 'Bama showed a strong running game while going down before Tennessee. Alabama in a close one.

Arkansas-Mississippi
Ole Miss will run rough-shod over the Razorbacks.

Baylor-Texas A. & M.
Baylor's tough, but the Texas Aggies are out to break the jinx and win a southwest title two years in a row. The Aggies on top.

Brown-Holy Cross
The Crusaders have had tough luck with injuries. So, it's out on a weak limb with Brown on the very short end.

Columbia-Syracuse
Columbia's unbeaten while Syra-

juries. Undefeated Georgetown is a veteran machine that will have no trouble getting the decision.

North Carolina-Tulane
Tulane is long on manpower, but its passing game is nil. 'Sweet' Lallanne will pass the Carolinas to victory.

Northwestern-Indiana
Indiana has yet to prove itself, Northwestern has already passed the test. Despite the loss of DeCorrevant, Northwestern has enough ball-toting to get the edge.

Princeton-Rutgers
Rutgers may be difficult, but the Princeton Tiger will eventually claw him for victory.

Purdue-Wisconsin
Purdue's the favorite, but it's Wisconsin to take to the air to upset the Bollermakers.

Rice-Texas
Texas should mow 'em down.
Stanford-U. S. C.
Southern. Cal. Is cumbersome,

Probable Football Winners

(And Proper Odds)

GAME	WINNER	ODDS
Duquesne-Manhattan	Duquesne	3-1
Alabama-Miss. State	Alabama	6-5
Arkansas-Mississippi	Miss.	4-1
Baylor-Texas A. & M.	Texas A. & M.	4-1
Brown-Holy Cross	Brown	1-4
Columbia-Syracuse	Syracuse	1-2
Cornell-Ohio State	Cornell	2-1
Fordham-St. Mary's	Fordham	4-1
Georgia Tech-Auburn	Georgia Tech	2-1
Harvard-Dartmouth	Harvard	8-5
Illinois-Notre Dame	Notre Dame	3-1
L. S. U.-Vanderbilt	L. S. U.	6-5
Michigan-Pennsylvania	Michigan	2-1
Michigan State-Santa Clara	Mich. State	Even
Minnesota-Iowa	Minnesota	5-1
Nebraska-Missouri	Nebraska	12-5
N. Y. U.-Georgetown	Georgetown	3-1
North Carolina-Tulane	North Carolina	Even
Northwestern-Indiana	Northwestern	3-1
Princeton-Rutgers	Princeton	3-1
Purdue-Wisconsin	Wisconsin	5-9
Rice-Texas	Texas	9-5
Stanford-U. S. C.	Stanford	Even
Temple-Penn State	Temple	Even
Army-Lafayette	Army	Even
U. C. L. A.-Oregon State	Oregon State	Even
Wake Forest-Duke	Duke	12-5
Washington-California	Wash.	3-1
Yale-Navy	Navy	2-1
Georgia-Kentucky	Kentucky	7-5
Villanova-Detroit	Villanova	7-5

Boxscore to Date

Right, 63; Wrong, 20; Ties, 5; Pct., .759.
(Ties Not Counted)

cuse has been knocked around. Columbia is looking ahead to its Cornell clash and might underestimate Syracuse, which would permit a major upset. Syracuse turns the trick.

Cornell-Ohio State
Ohio State's championship hopes have been smashed. There's dissension in the ranks, while Cornell is heading for top honors. A victory for Cornell to keep its record clean.

Fordham-St. Mary's
St. Mary's is mediocre, while the Fordham Rams have too much on the ball.

Georgia Tech-Auburn
Auburn is stout defensively, but Tech's hipper-dipper should give it enough points to finish on the long end.

Harvard-Dartmouth
Dartmouth to take another on the chin.

Illinois-Notre Dame
Here's another track meet as Notre Dame warms up for bigger and better things.

L. S. U.-Vanderbilt
Louisiana is about ready. Commences by tripping Vanderbilt.

Michigan-Pennsylvania
The battle of high scores as Reagan meets Harmon. Penn is slightly over-rated, while Michigan has met tougher opposition. Harmon goes to town as Michigan conquers.

Michigan State-Santa Clara
Clara is n.g., while State is pretty fair. Playing on its own ground, Michigan State gets the nod.

Minnesota-Iowa
Iowa may cause trouble, but it should be a Minnesota day.

Nebraska-Missouri
Missouri has Paul Christman—thet's all. Nebraska will pourhouse its way toward the Big Six crown.

N. Y. U.-Georgetown
The Violets are beset with in-

while Stanford is streamlined. Stanford has to do enough scoring for a win.

Temple-Penn State
State's good, but if Temple improves, as it has recently, it'll emerge victorious via 'a' aerial route.

Army Lafayette
Lafayette's no pushover, but the Soldiers finally get a win under their belts.

U. C. L. A.-Oregon State
The Uclans are folding. Oregon has yet to reach its peak. State top.

Wake Forest-Duke
Duke will not be beaten here.

Washington-California
Washington's roaring now and will continue its winning ways.

Yale-Navy
Yale beat a poor Dartmouth team, while the Sailors really have something. Navy to smash its way to a good margin over the Bulldogs.

Georgia-Kentucky
Georgia's sophomore team doesn't seem to have enough to turn back the Kentuckians.

Villanova-Detroit
Nick Basca will pass the Villanovans to victory (Sunday game).

Comic Turns Promoter

Mexico City, Oct. 22.

'Cantinfas' (Mariano Moreno), ace tramp comic current at the Folies Bergeres, has decided to put his savings into a pop amusement enterprise.

With his manager, Manolo Ferrandiz, the comic has arranged to be the back the forthcoming 'Asiatic' season at the new Arena Nacional here.

The lost word . . .

There is a word that has become lost in the world of radio.

Nobody uses it. No mind turns to it as to a needed and familiar aid.

Talk of radio and world news and you'll not speak it, for you'll need roomy phrases . . .

Talk of radio as fun, and you won't either, for you'll be talking in millions about Major Bowes or Kate Smith fans.

Or talk of radio as an advertising medium and you won't go near it, for you'll spin endless success stories and really pull out the verbal stops. The truth is that radio is now so vast, so sprawling, so splayed out over states, countries, continents, seas, that the mind reaches always for the vast image, the big, big word, to attempt to meet this giant on its own ground.

How long since you've heard anybody use the word "smaller" about radio?

Yet there is one thing about radio that has been growing smaller for years.

That thing is the cost of reaching a radio listener.

Today it's just about half what it was four years ago.

About half is a whole lot smaller.

And that "smaller" is maybe the biggest thing (there we go again) any advertiser should consider as he considers radio of 1940.

How did that "smaller" happen?

Many things happened to make it happen.

First of all something happened to this country. By 1930 Americans already liked radio—it wasn't a gadget or a gag any more; it worked, it amused and interested them. And they liked it fine. Twelve million families liked it enough to own a radio set.

Then from 1930 onwards, this country went overboard about radio, went hungrily, happily mad about radio. And now in 1940, twenty-eight million families own a radio. Or two or three or more radios.

(Regard that a minute. A country that has twenty million

families without a telephone has only four million families without a radio!)

Secondly, going overboard, and being American with the American's energy and enthusiasm, something happened to the habits of listening in this land. In 1930, the average radio family listened 3.9 hours a day. Today 86% of all radio families listen an average of over five hours a day—about 126 million hours a day, every day, of listening.

It's crazy, sure. It's impossible, maybe. But programs have got better, habits have got fixed, and that's how repeated polls, surveys, competitive surveys, non-competitive surveys, joint surveys, make it come out. That's America for you—nothing half-hearted about the way it goes for what it likes and wants and needs.

And while these two things were happening to the country (item: increase in ownership; item: increase in listening), two other things were happening to CBS.

In those same ten years CBS grew from 61 stations to 110—and its own listeners increased from over seven million families to over twenty-seven million a day.

And CBS programs grew too—grew in human appeal, in expertness; some got funnier, others finer, all found more and surer ways to make people look forward to them, never miss them, talk a lot of them to friends and neighbors.

This isn't just a theory. In the last four years alone, the typical CBS evening half-hour program has gone up 99% on the CAB program ratings. 99%!

Which means that the typical CBS evening half-hour program today is heard by twice as many families out of every hundred radio families as four years ago. With millions more radio families to draw on for that "twice as many"

And that's expansion on every frontier—ownership, listening, CBS station growth, CBS popularity.

The only contented laggards in all this forward march have been CBS time and radio talent costs. *Their* tempo has been quiet. They have been taking it easy.

Regard this one fact against all the preceding expansion and acceleration, and you come smack up against a mighty piece of news:

In actually delivered, listening audience, CBS today gives you nearly two thousand families at a price which got you only one thousand families just four years ago.

So CBS today is not only delivering the largest, most interested, most listening audience it ever has.

The net cost per listener in that audience is smaller than ever before.

It's the biggest "smaller" in advertising history.

COLUMBIA BROADCASTING SYSTEM

The detailed and charted facts behind this piece are brought together in a booklet, "More for the Money." It will be sent at your request. Write to 485 Madison Avenue, New York City.

SCREEN

RADIO

MUSIC

STAGE

VARIETY

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VOL. 140 NO. 8

NEW YORK, WEDNESDAY, OCTOBER 30, 1940

PRICE 25 CENTS

\$7,900,000,000 TO HYPO B.O.

William Saroyan Gives Brushoff To The Overly 'Commercial' Theatre

By WILLIAM SAROYAN

San Francisco, Oct. 24. A Letter to VARIETY on the American Theatre, the War, the Writing of Plays, the Drama Critics, and Other Allied Subjects.

I have just returned to San Francisco from New York where I spent exactly seven weeks. Nothing drew me to San Francisco except that I live there, and nothing sent me away from New York except my sinus and the fact that I could not borrow \$15,000 from the Chase National Bank for the production of "Sweeney in the Trees."

In New York I had the good luck of talking to George Jean Nathan, however. We met six or seven times. For the most part we talked about the theatre. I'll go on from where we left off.

Theatre means more to me probably than to anybody else in the world. I say theatre and not the theatre because there is a difference. I am, in fact, bored with the theatre. There is not enough theatre in it. I respect skill, accuracy, timing, balance and all other good things as much as the next man, but I have no patience with mechanics, except insofar as they are employed in the transportation and manufacture. The

(Continued on page 60)

'Student Prince's' German Motif Arouses Squawks But It Opens in St. Loo

St. Louis, Oct. 29. Because "The Student Prince," Sigmund Romberg's operetta, has a German tinge, efforts were made last week to mix its presentation by the Light Opera Guild of St. Louis in the municipal auditorium. On the a.m. of the first of two performances more than a score of persons besought Kenneth G. Schuler, Guild director, to cancel the presentations. Requests went unheeded because Schuler took the position piece is purely American. "In these times of emotional tension, we feel it all the more important to present it, for it

(Continued on page 46)

Speakeasy Peephole To Curb Autograph Pests

Peephole, of the speakeasy vintage, has been installed in the staid auditorium at the Shubert theatre, N. Y., so the staid auditorium can spot autograph hounds trying to crash backstage for "Hold On to Your Hats." Number of signature-maniacs pestering Al Jolson and Martha Raye is no greater than those who formerly swarmed there nightly to wait for Katharine Hepburn after performances of "Philadelphia Story." However, the present crop seems to be more insistent than were the Hepburn fans.

Rex Ingram to Tell All?

Hollywood, Oct. 29. Rex Ingram, director of silent films, is here, editing his autobiography, which is said to deal candidly with his early picture experiences, particularly his feud with Rudolph Valentino.

A native of Ireland, Ingram is awaiting his final American citizenship papers, due in a few weeks. He had been living recently in Honolulu.

JAPAN CAN'T BUY U.S. RADIO TIME

The Japanese Government, probably inspired by the example of Brazil and Canada, has attempted to buy radio time on the American networks. The overtures were declined on the point that Japan could hardly solicit American tourist trade at this time with all Americans ordered out of Nippon and no passports being issued by the United States Department of State.

Mexico is another country that has purchased commercial radio time in the U. S. A.

FONOPOSTAL GAG A BIG BIZ IN BUENOS AIRES

Buenos Aires, Oct. 29. Phonograph records, made in your own home over the telephone and mailed directly to the girl friend or great aunt are now being offered by the Argentine Post Office declined on the point that Japan could hardly solicit American tourist trade at this time with all Americans ordered out of Nippon and no passports being issued by the United States Department of State.

Miriam Hopkins May Play "Hillbilly's 'Angels' in N.Y." Miriam Hopkins will probably do "Battle of the Angels" for Theatre Guild this season. It's a first play by Tennessee Williams who, like his name, is of hillbilly background.

Miss Hopkins is due east from Hollywood in a week or so.

DEFENSE COIN TO AID ALL SHOW BIZ

U. S. Army, Navy and Air Spending Over Period of Five Years—Nearly Half of Giant Appropriations to Be Spent in 12 States

\$601,000,000 IN N. Y.

Federal government's defense program, which hit an all time high with the letting of contracts totaling \$7,900,000,000 in the three and one-half months ending Oct. 1, 1940, will be reflected in enhanced boxoffice receipts in all types of amusements and professional sports, in the opinion of showmen. Coin will be expended for wages and materials over a five-year Governmental spending plan. Nearly half of the giant appropriations will be spent in 12 states, with every other state, territory and island possession sharing to some extent.

In a breakdown of expenditures, (Continued on page 62)

Sensation Cigaretts Set To Sponsor Army Camp Quiz on Colonial Web

Boston, Oct. 29. U. S. Army has permitted the Colonial Network to run a wire into Camp Edwards on Cape Cod so that the soldiers can participate in a "Soldiers' Quiz," contracted for by Sensation cigarettes through the Lennox & Mitchell agency. It starts this Saturday night (2) and will be scheduled for half-hour. Quiz will be conducted in the camp's recreation room.

Delicate Political Situation at Agency

J. Walter Thompson Handles Willkie Clubs and It Causes Some Incidents

Chicago, Oct. 29. J. Walter Thompson, agency for the Associated Willkie Clubs of America, was in a tough spot recently on a posed photograph of Dorothy Lamour, set for the Kraft show (NBC-red) this Thursday (31). Miss Lamour had picture taken which showed her wearing Roosevelt campaign button. This was touched out of the photo before being mailed to radio editors.

Story is being told here that the same agency recently sought to get Gene Autry to go on Columbia for an interview by Kathleen Norris, who has been doing a daily commercial (Continued on page 12)

Axis Censorship Increasingly Irksome; Many Allusions to It On the Radio

The Winnah?

Theatre business in metropolitan New York, especially for films, was off as much as 50% in spots Monday night (28) due to President Roosevelt's broadcast address from Madison Square Garden. Some Broadway showmen see this as an indication of the ultimate election results.

They point out that Wendell Willkie has been talking almost every night, but hasn't as yet appreciably dented grosses.

PLAY AND PIX GLORIFYING TOUGHIES

Day Tuttle and Richard Skinner, producers of "Charley's Aunt," at the Cort, N. Y., are considering a script, "Billy the Kid," a drama about the notorious western bandit of that name. Play is by Chaver O'Rourke and was inspired by a conversation Skinner had with the author two years ago at Mt. Kisco, N. Y., where Tuttle and Skinner operate a summer theatre.

O'Rourke is the pseudonym of Robert H. McKinney, wealthy industrialist whose home is at Morristown, N. J. He is a direct descendant of a member of a frontier gang that had several gun fights with Billy the Kid. On one occasion, according to McKinney, his ancestor had part of

(Continued on page 59)

Overseas mikers as well as readers of radio news reports have made an unusually large number of references to censorship within the past week. This has been particularly noticeable in broadcasts from Berlin—also in stories "heavily censored" from Vichy. In Naziland, network representatives have mentioned that censors and "foreign office spokesmen" forbade neutral correspondents from speculating about whereabouts of high Nazis, and of subjects discussed as well as conclusions reached by Hitler and Von Ribbentrop in sessions with Laval, Petain and Franco. Theodore Knause, one of NBC's Berlin men, stated that most of time at one press conference was consumed in rebuking a "neutral press agency" for "speculating."

American aircasters in German capital also have underlined fact that German papers made no comments upon these meetings. Some of late evening shots from Berlin have been eliminated since rule banning broadcast of military news became effective. Recently Larry Laseur, CBS miker, stated that censorship has forced me to drop three minutes of my scheduled broadcast—I am sorry.

Eddie Dowling's Rep Touring Plan For 7 Key Cities; \$1.50 Top

Pittsburgh, Oct. 29. Touring repertory at \$1.50 top is Eddie Dowling's idea for next season, he told newspapermen here last week while playing at the Nixon in "Time of Your Life." Pointing to decreasing number of road shows every season—Nixon will be lucky to get 16 shows—and unwillingness of producers to continue tours after couple of bad weeks, Dowling said in his plan lies the hope of the theatre in the hinterlands.

Idea, he stated, was to have a regular company (mentioned himself, Laurette Taylor and Barry Fitzgerald as a nucleus) to stay in one key city for six or seven weeks and present that many shows, mixing possibly a couple of new ones with several older favorites. Dowling's circuit would include about seven cities, Pittsburgh, Philadelphia, Cleveland, Detroit, Chicago, St. Louis (Continued on page 12)

Harold Lloyd Has Yen To Star Once More

Hollywood, Oct. 29. Harold Lloyd plans to return as a star to take advantage of the present public demand for comedies. He is studying material for the first two pictures. His last appearance on the screen was in "Professor Beware," two years ago. Currently Lloyd is washing up "Three Girls and a Gob" as a producer at RKO.

The Revuers' Version of 'Variety Says'

The Revuers, on an NBC-blue sustaining buildup every Sunday at 4:30, via WJZ, New York, did a satire on the theatre this past week (27). Among the material, to Irving Miller's music, was the following lyric:

Variety Says

All: There are many, many types of foreign languages
That are spoken in the city of New York.
If you mingle with a lot of different people
You will hear a lot of different kinds of talk.
There is English, there is Gaelic, there's Egyptian;
There is French and Russian and Armenian—
There is Persian, there is Greek,
Siamese and Arabique—
But, Variety has a language all its
If a story is long and goes on for days
Variety can tell it in one short phrase—
Solo: Broadway is dead—and the season's a flop
Receipts at the boxoffice start to drop.
Deep in despair, the theatre is—
Variety says—Show biz fizz.
All: VARIETY says—Show biz fizz.
Solo: You open a show in Buffalo—you give out passes,
But business is slow.
You give out more passes till it's full enough.
Variety says—Buff on cuff.
All: VARIETY says—Buff on cuff.
Solo: An opera opens at popular price,
But popular price does not suffice.
The opera decides to close up shop,
Variety says—Pop on flop.
All: VARIETY says—Pop on flop.
Solo: You open a picture out of town.
The reviews come in—all thumbs down.
You open five more but none of them clicks—
Variety says—Hicks nix six pix.
All: VARIETY says—Hicks nix six pix.
Show biz fizz—
Buff on cuff.
Pop on flop—
(Music)
Variety says!

Cannes As Gay As Ever With French Film Folk, Michele Morgan Reports

Group of top French film players and writers, gathered at Cannes on the Riviera with nothing to occupy their time, have pooled their collective ability to turn out a film which now virtually completed, it was disclosed by Michele Morgan, French star, who arrived in the United States Saturday (26).

Miss Morgan said the story had been cleverly devised to give as many writers and players as possible opportunity to present their wares solo. Film is tagged 'Seven Nights' and is the life story of a who has, at one time or another, seven femme owners. Each mistress is the subject of a portion of the film, each portion being written and played by a different scrivener and actress. Characters are tied together by their interest in the dog.

Virtually all the important film, legit and vaude players of France, in addition to many w.k. writers, are gathered at Cannes, Miss Morgan said. Despite their vagueness about what the future holds, she declared, they're having a gay time. Theatres (Continued on page 28)

HE DIDN'T RAISE HIS BOY TO BE AN ACTOR

Hartzell Spence, United Press exec, has bowed out of the Warner Bros. role for which he was screen-tested last week after seeing the rushes. WB wanted him to play the part of his father in 'One Foot in Heaven,' biography which he wrote of the elder Spence, who was a New England preacher.

Spence declared: 'When I saw those pictures I knew I wasn't cut out to be an actor. I want justice done by pappy and it'll take a real actor to do it. Warner, before giving Spence the screen-test, said they would leave the final word up to him as to whether he should play the part.'

Play Adaptation?

George S. Kaufman and Moss Hart who are scheduled to make 'Man Who Came to Dinner' for Warner Bros. are reported considering making a legit production out of 'One Foot in Heaven,' Hartzell Spence book.

If the stage production is done by them, Kaufman and Hart may also make it as a feature for Warners.

\$50,000 'B'

Los Angeles, Oct. 29. Change of one letter in his name is the basis of a \$50,000 damage suit filed by Rudy Robles, actor, against Edward Small Productions, Inc., and United Artists.

Robles charges his first name was spelled 'Rudy' in the screen credits for Small's UA picture, 'South of Pago Pago.'

H'WOOD'S OWN AWAITS CALL TO THE COLORS

Hollywood, Oct. 29. Twenty-two employees of the film industry checked in as members of the 22nd Battalion, Marine Corps Reserve, commanded by Major W. S. Van Dyke II, director at Metro.

Waiting for a service call to San Diego are Joel T. Ashley, Earl N. Kennedy, Colman W. Coalter, Harry W. Miller, Victor C. Horn, Clifford R. Lohr, Florian J. Klock, Warren M. Mace, Jr., Edward Connolly, Fred Hickerson Smith, Dean D. Farlow, Paul J. DuPre, Burt H. Dreyer, James T. Dale, Donald E. Lewis, William A. Rush, Milton T. Persinger, Harry W. Burdett, Jr., William R. Jones, Harold A. Gibson, Marvin R. Franklin, Jack H. Young, Robert M. Benham, Robert L. Taylor, Robert Hoffman and Clifford A. Wright.

Welles Lectures to 5,000 At \$1 Per Admission

Lincoln, Neb., Oct. 29. Orson Welles, after wild dash from RKO and 'Citizen Kane,' made the first of 13 appearances on lecture platforms here at the Coliseum (25) before 5,000 at \$1 per. Although he didn't touch on it in his lecture, he said he yenned for a fling at the stage to do Richard Wright's 'Native Son.' He indicated negotiations were under way for rights to it.

Welles said Hollywood 'resented' him for disturbing its 'assembly line' technique, by his going into the film town doing four big jobs by himself—that of writer, director, producer and actor.

He said he had nobody in 'Citizen Kane' other than his own people from the air Mercury theater, because there are so many queer people. Hollywood, he didn't know who to pick.

Last time Welles went over this territory he was in 'Barretts of Wimpole Street' with Katherine Cornell. That was seven years ago.

BERLIN AND PAR AGREE ON FILMUSICAL DEAL

Irving Berlin and Paramount have agreed upon a deal for a top-budget filmusical which Mark Sandrich will produce and direct, with Bing Crosby, Mary Martin and Fred Astaire (or Bob Hope) starred. It will be another song-cavalcade, utilizing many of Berlin's past hits, a la his 'Alexander's Ragtime Band' for 20th-Fox.

Berlin is getting \$75,000 for the chore, against a straight 10% of the gross, the same terms as when doing filmusicals for RKO and 20th. His 'Top Hat' earnings from RKO thus exceeded \$200,000.

Astaire is the preferred personality, but Hope as a Par contractee can be the alternate assignment. Berlin will utilize 'Easter Parade,' a new Xmas and New Year's song and kindred material.

Deal is set in principal, although not officially pacted, despite Par's formal announcement of the bare basic facts.

N. Y. World's Fair Finales to Top Gate of 537,294

The world's largest show—the N. Y. Fair—wound up its two years' run with the biggest crowd of both years last Sunday (27). Harvey Gibson, chairman and actively in charge of operations this year, had waited all year for a 500,000 gate in one day. He got it on the final day, with 537,294 paid attendance. Actually, close to 600,000 people passed the turnstiles, including passes and special cards the last day.

Eddie Cantor, official master of ceremonies the final day, called off his closing exercises because he could not get either Mayor F. H. LaGuardia or Governor Herbert Lehman (Continued on page 28)

Barrymore Gets His 16 Weekly Allowance Back

Los Angeles, Oct. 29. John Barrymore's \$1,000-a-week allowance, stopped several weeks ago, was restored by Samuel Miller, referee in bankruptcy, owing to a recent influx of \$10,000 from film and radio work.

Actor petitioned the court June 5 for an adjustment of his debts, listed at the time at \$68,021.

L. A. to N. Y.

Muriel Angelus.
Fred Astaire.
Ralph Austerlitz.
Dorris Bowdon.
Harold S. Bucquet.
Earl Carroll.
Edward Chodorov.
Lester Cole.
Charlotte Day.
Y. Frank Freeman.
Sonja Henie.
Ben Holmes.
Miriam Hopkins.
Nunnally Johnson.
Rouben Mamoulian.
Arch Oboler.
Robert Riskin.
Henry Rogers.
Max Siegal.
Moe J. Siegel.
Simone Simon.

N. Y. to L. A.

Joan Bennett.
Frank Berle.
Milton Berle.
Connie Boswell.
Lawton Campbell.
Charles Chaplin.
Rosemary Cox.
William Dozier.
S. Charles Einfeld.
Gladys Faye.
Flossie Freedman.
Mark Hellinger.
Mrs. Hal Kemp.
Harry Leedy.
Anatole Litvak.
Robert Montgomery.
Harry Norwood.
Leon Rene.
James Roosevelt.
Harry Takiff.
Jack L. Warner.

THE BERLE-ING POINT

By Milton Berle

California, here I come. Next week's column will have a Hollywood dateline—because 20th Century-Fox picked my name out of a fishbowl before the Draft Board did. Will appear in 'Tall, Dark and Handsome,' for which John Payne was originally scheduled, but Zanuck said, 'Let's use Berle—he's a bigger pain.'

Asked Louella Parsons backstage at Loew's State if she read my column regularly. She said, 'Yes—and I'm going to keep reading it until I like it.' I wonder what she means?

Told George Raft I would see him in Hollywood next week. Raft muttered, 'There's no justice. Swallows go back to Capistrano—but you have to come back to California.'

Made one final deal with my laundry before leaving. Offered to give them back their pins if they gave me back the buttons for my shorts.

Broadway Dept.

All the Broadway mimics have pledged themselves to vote for Roosevelt—they find it difficult to impersonate Willkie.

Saw the revival of 'Blind Alley' at the Windsor. The program should have listed the characters in the order of their disappearance.

Went to the Auto Show with John Power, the beauty expert. Enjoyed the new models—especially the little platinum number with John.

Eddie (of Leon & Eddie's) Davis has a sign over his bed, 'No Minimum and No Cover.'

Spent an afternoon at the Empire City racetrack. One horse I bet kept turning around to the jockey and saying, 'What are you hitting me for—there's nobody behind us.'

Dropped in backstage at the Winter Garden to see Olsen and Johnson. Ole confides that they are planning a road company with Isana Turner to be called, 'Sweaters-a-Poppin'.'

Kay Kyser's opening at the Waldorf-Astoria a terrific success. Suggested to Kay that he team up with Dorothy Lamour for his next picture and call it, 'That's Right—Sarong.'

Hollywoodians

Earl Carroll in town to give Broadway the o.o. Carroll told me about an actor who got tired after making 20 screen tests, so he upped to the producer and said, 'Look—pay me for the screen tests and I'll make the picture for nothing.'

An independent studio released an 'epic' last week. I saw the picture—what have they got to be independent about?

Out in Hollywood I live across the street from the Dead End Kids—and I have broken windows to prove it.

Why doesn't the Government put Hedy Lamarr's picture on the dollar bill? Then you won't mind kissing your money goodbye.

I'm very happy about my 20th Century-Fox contract—but I would feel better if it wasn't written on dry

Music Dept.

Instead of 'The Breeze and I,' the boys in the Brill Bldg. are singing, 'The Draft and You.'

Tin Pan Alley offers plenty of proof that you don't have to be able to carry a tune to lift one.

Enric Madriguera was held up the other day by a ritzy holdup man. He said, 'Give me your money—and I want it all in new bills.'

Freddie Cook tried to interest Harry Link in his new composition, 'There's an Old Coal Store in the Parlor.' Link said, 'Who has coal stores these days?' Cooks replied, 'The same people who have spinning wheels.'

Radio Dept.

Just learned that Norman Foley switched his wedding from Wednesday to Thursday because he didn't want to miss the 'Pot 'n' Gold' program.

Last time I was on the air I got the studio audience in such a receptive mood before the program the sponsor immediately signed me for 39 warmups.

A certain bandleader says he can't be called in the draft because of four dependents—three chorus girls and a bookmaker.

Oscar Levant invited all his friends up to his apartment to toast the new-born girl. He told them they could have all the Canada Dry they could drink.

Musical Hangnail Descriptions

Abe Lyman: I'm Just Wild About Harry. Tommy Manville: Love Me or Leave Me. Mack Gordon: Two Sleepy People. Eleanor Roosevelt: Baby, Won't You Please Come Home. Alice Faye and Myrna Loy: Two Dreams Met. My Gag Writer: Thanks for the Memory.

Observation Dept.

Romo Vincent knows he's been gaining weight—he passed by a drug store and the scale walked inside.

Jack Zero is wearing a new wrist watch which was given to him by a lower East Side cafe owner. Zero said, 'It's a present from my boss. He took it from a fellow who couldn't pay his check—and gave it to me because he couldn't pay my salary.'

Eavesdropped at Club Treasure Island: 'She's popular because 'Yes' is nine-tenths of her vocabulary.'

Eavesdropped: Dinty Moore's: 'She's the kind of a girl you'd take home to your mother—when your mother isn't home.'

I would have had more news for you in this column, but the paper I was reading got off at 14th street.

Whatever Became Of—?

Claude & Fanny Usher
Pulley & Gump
Ray & Emma Dean
McLaughlin & Evans
Thirty Pink Toes
The Flying Bartos

Afterpiece

Yesterday was the day the Government played bingo with my career.

H. M. Warner Leads WB Execs' N. Y.-to-L. A.

Harry M. Warner is already back on the Coast, having left from Washington; Jack L. Warner departs today (Wed.). S. Charles Einfeld on Friday and Mark Hellinger on Saturday (2), thus taking a sizeable WB executive contingent back to Burbank.

Hellinger will assist Ted Husing in broadcasting the Notre Dame-Army game this Saturday (2), and thence home.

NANCY MONTEUX'S DATES

Nancy Monteux, daughter of conductor-composer Pierre Monteux, made her debut last Thursday night (24) as a nitery singer at a special party at the Cafe Pierre, N. Y. She will continue that kind of work.

Father, conductor of the San Francisco symphony orchestra. She is also a niece of Meyer Davis.

Erika Mann Uses Stage As Means To Fight Fascism

Erika Mann, daughter of Thomas Mann and a writer in her own right, Clipped in last week to N. Y.'s La Guardian airport from a two-month stay in London. The war and Nazism have combined to transform her from a woman whose driving ambition was to go on the stage to one whose purpose in life is to work for the end of dictatorships—so she will take to the stage as one way to do it.

The young woman, who is married to an English poet now in California, was a student of Max Reinhardt in Berlin, Munich and Hamburg. She wrote, and acted in, 'Peppermill' satirical revue which was played more than 1,000 times in six nations. She plans to take to the lecture stage (Continued on page 42)

SEEK BRITISH THESP RELIEF

Films' 'Plea for National Unity'

'A Plea for National Unity,' 138-foot short, conceived by Harry M. Warner as an industry gesture, will be made available through all exchanges for showing Election night, next Tuesday (Nov. 5) and for a full week thereafter. Cost is being split five ways among Paramount, Warner Bros., RKO, Loew's and 20th-Fox.

Trailer, running 1½ minutes, goes out hooked on to features booked that week, necessitating a minimum of handling. It has a musical background, the text being a plea against the 'divide and conquer' plan. Text follows:

'The democratic process has functioned. We have just concluded months devoted to free and untrammelled discussion and debate of the problems confronting the nation and the qualifications of the respective candidates for the Presidency to meet and effectively deal with them. After the fullest consideration, a majority of our citizens have solemnly expressed their choice of the Chief Executive to lead the nation during the next four years.

'The election campaign has taken place during a period of recurring critical national and world problems. It was inevitable that during the period of discussion and debate national unity would suffer. The great price which we have paid for our democratic right makes the choice of our leader a sacred one.

'Whatever the differences were among us before election, there should remain no doubt that there are no differences among us today. We must stand as one behind the man of the people's choice. We must not fall prey to the plan of 'divide and conquer.' The Great Liberator has given us our rule of national life—'united we stand, divided we fall.'

Incidentally, this is something the picture people did as a patriotic gesture, without saying anything about it until ready, and accomplished before Robert Montgomery's blasting speech last week at the New York Herald Tribune Forum (see below).

H'wood Cool, But N. Y. Pix Bunch Quite Burned Up at Montgomery's Sound-Off

Hollywood, Oct. 29. Hollywood's executive phalanx is not going to answer Robert Montgomery's challenging declaration before the Herald Tribune Forum in New York last week to the effect that the industry's leadership is incapable of properly and courageously performing its basic functions in the present critical times.

Important names, leaders and those who presumed to sound off for the tops, buttoned the lip tightly against any quotable reaction after the first furious resentment of Montgomery's blanket indictment. Private comment still goes on, but there is a consensus against furthering what spokesmen say would merely play into the actor's 'obvious provocative efforts' to 'advantage himself at the expense of the industry.' Nothing to say, was the word from the upper sanctuaries of the major studios, nor would representatives of the producers put themselves on record to comment on Montgomery's charge that present picture leadership not only was responsible for poor quality of average product out of Hollywood, but also will make it impossible for the industry to perform its legitimate functions.

PIX EXECS' DONATIONS TO DEMO WAR CHEST

Picture people are open-handed again in the Presidential campaign, particularly in the effort to help President Roosevelt get a third term. Latest reports filed with Congress show a number of film names among contributors to the Democratic war chest. The three Warner brothers kicked in \$10,000 together—Harry gave \$3,300, Albert \$4,400 and Jack \$3,300—while Nicholas M. Schenck was down for \$5,000.

Another big donor was Sol A. Rosenblatt, now the Democratic national committee's general counsel, who wrote a \$4,000 check.

Harmon's Combo Bid

Columbia and RKO are both understood negotiating for an original unit by Sidney Harmon, New York legit producer. Labeled 'Mr. Twilight,' it treats satirically of the U. S. Supreme Court.

Deal being sought by Harmon is to include his services as a producer.

The Caffeine Touch

Photograph and testimonials of Charles Laughton and Elsa Lanchester, appearing in Beech Nut coffee ads in current issues of national magazines, is for the benefit of British refugee children. When Miss Lanchester first saw the ads she was startled to notice that in the picture a wedding ring had been painted in on her left hand.

'Charles and I have been married for 12 years without having a ring,' she remarked, 'but it took Beech Nut to make it legal.'

English Filmmakers Take Advantage Of Player Dearth

London, Oct. 15. Jaunty filmies this side, wise to fact there aren't so many players around here due to the war, are putting on the squeeze in salary matters to a degree drawing nasty comment in the trade. One report has it recent demand of a mild b.o. thesp was 100% in its upping. Fellow had been doing well at \$10,000 a picture. Another, who'd never rocked 'em even mildly puts his John Hancock on a \$4,000 contract whenever he feels like it.

Money grab is not itself confined to the top ranks; bit and part players are all getting in a nick at production coin and playing havoc with budgets. With houses closing all along the line and a corresponding drop in rental income, it's a tank soon to be run dry.

Rene Clair Will Get \$62,500 for U Choro

Rene Clair, the French producer-director, who E. Ray Goetz, now with Myron Selznick's agency, sold to Universal, is getting \$62,500 for the one-picture assignment.

He will handle the next Marlene Dietrich starrer. Goetz had Clair lined up for English production unit wartime conditions altered that.

EQUITY, VAF ASK ACTOR WAR AID

Legit Union Urges Theatre Managers to Reopen for Matinees—Push Idea of Performances in Air-Raid Shelters

GOV'T WOULD FINANCE

London, Oct. 15. Seeking to alleviate distress in the player ranks, British Equity and Variety Artists Federation are jointly battling for a way which could promise relief to needy pros as result of entertainment's recent sidestep through the war.

Such going is not easy, as VAF found when the government asked its request for performers to be allowed facilities for travel to Ireland. Latter registered with the variety group as a natural for coin-needing acts.

Equity pleaded to West End Theatre Managers Society to reopen for afternoon shows and give a break to those whom they are unconsciously or not, depriving of a living. Actor group has already tossed in \$8,000 from its war relief fund, with even greater demands in the offing.

In event managers are deaf to the request, Equity will then take government's home defense department, with the object of placing performers in London's large air-raid shelters, to do their stuff from this improvised stage. It's taking entertainment to the standees, and the attendance is a cinch. Shelter performances would be paid for by Government.

Kyser Set for N.Y. Romy With His RKO Picture; To Double From Waldorf

Romy, New York, has set an unusual deal for Kay Kyser's orch to come in the week of Nov. 14 with his latest RKO-produced film, 'You'll Find Out.' Romy, now owned by 20th-Fox, rarely plays other studios' product. Theatre denies report, however, that Kyser's booking presages a regular bandshow policy for house. It'll be the first time for Kyser at the Romy, but the house can't hold him more than one week because of the band's other commitments. He'll be doubling from the Waldorf-Astoria hotel when he plays the theatre and the latter is currently working out time schedules to make that possible. It's the first time Lucius Boomer of the Waldorf okayed doubling.

Romy this week won't open its new show until Saturday (2), two days later than its usual policy. Reason for this is 20th-Fox's scheduled preview of 'Mark of Zorro' Friday (1) as the studio's reluctant to have the picture play a regular theatre date before a trade showing. Two acts in the current show go out on scheduled time, however, the Milt Herth trio being scheduled to open tomorrow (Thursday) at the Earle, Washington, and Petch and Deauville go into 'Streets of Paris' unit in Boston the following day.

Kyser's 3d RKO Film

Hollywood, Oct. 29. Jimmy Kern is doing a yarn, tentatively titled 'In the Army Now,' as a possible third picture to be made by Kay Kyser under the dicker now in progress with RKO.

Butler will be turned over to David Butler, who will produce and direct it the deal goes through.

Sid Marion's Bkptcy.

Sid Marion, vaudeville actor, filed a voluntary petition of bankruptcy in N. Y. federal court Thursday (24) listing \$550 in assets and \$2,535 in liabilities.

All the money owed by Marion is on rent claims.

H'wood Pic Slashes, First Expected To Boost Vaude, Has Reverse Effect; Players Stick Close for Studio 'Calls'

London, Oct. 15. VARIETY'S London office is shattered. But not shuttered.

M-G's Test Case Of Screen-Test Suit by Actor

Suit was filed against Metro last week by legit actor Conrad Niles on charge that the company agreed to make a screen test of him and never had. Action in the City Court of New York asks \$3,000, the sum that would have been due him had Metro tested him and picked up the option it held for 20 weeks' services at \$150 a week.

Niles was playing the lead in 'The First American Dictator' last year when Al Altman, Metro talent scout, had him sign an agreement to take the test. Copy of the agreement filed with the complaint reveals that the test was to be made during April, 1939, and Niles granted Metro an exclusive option from the date of the agreement, March 22, 1939, until four weeks after the test was to be fully completed.

Point on which Niles' attorney, Gustave B. Garfield, lays special emphasis is a clause reading: 'During the period of this option to you I will not contract my services to others or permit others to announce that I have done so.' Garfield maintains that inasmuch as the test has never been made, Metro has tied up Niles in perpetuum, not paying him and yet not allowing him to take

MADELINE CARROLL PLANS RETURN TO ENG.

Minneapolis, Oct. 29. Passing through Minneapolis en route to Chicago for a personal with 'Northwest Mounted Police,' Madeline Carroll stated she plans to quit this country shortly to return to England to do her 'bit' on the ground floor for her country.

Her mother lives in England and a sister was killed in a London bombing raid recently.

GET TOGETHER KIDDIES

Ann Corio Refutes Billy Rose on Burlesque

Billy Rose, Hearst syndicated by-line story a few weeks ago, declared burlesque dead and duly buried it. Ann Corio, in a similar page last Sunday (27), dug it up. If sex is here to stay—and who can doubt it?—so is burlesque, Ann theorized. She claimed the only difference between burley at a quarter and Broadway musical hit at \$4.50 is that the musical is dirtier.

Actually, in certain key cities, burlesque has been doing consistently good business.

Mrs. Schulberg's N.Y. HQ

Mrs. Ad Schulberg, Coast talent and story agent, arrived in New York last week with plans to transfer her activities east for the winter. She'll make occasional short trips to Hollywood, but will headquarters in New York and will probably open an office there.

Hollywood film studio economies, which caused a drastic cutting of the list of players under contract, has actually had a reverse-English effect on the number of Coasties playing vaude. It had been first anticipated that the studio cutting would result in a rush of film players into stage show houses.

Instead, the lesser celluloid lights are more anxious than ever to stick close to the home of the klieg lights. Inasmuch as most of them are now free-lancing, they prefer sticking close to their firesides rather than chance being away when a call comes for a film role. There are some exceptions, of course, but not many.

Most obvious effect, that less Hollywoodites are showing an interest in vaude tours than last year, when the economies in picture production, caused by the war and loss

Hope's S.F. Auto Show Stand Unlikely to Break Chevalier's 25G Record

San Francisco, Oct. 29. Bob Hope and his radio unit, playing the Auditorium here two-a-day on a booking by the Auto Show at 55c top, got a slow start opening day and won't come near the record coin paid Maurice Chevalier here several years ago. Chevalier got \$25,000 flat for an eight-day stand; Hope is in on a guarantee of \$15,000 for nine days against a percentage of the gate. Chevalier's salary, incidentally, was an all-time high for a single performer, while Hope must pay off his troupe.

Hope opened Saturday (26) at 55c (Chevalier's admish was 75c) with only 1,000 in the audience for the

(Continued on page 42)

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Film Industry's No. 1 Headache, The Gov't Anti-Trust Suit, Ends; Decree In Full Starts on Page 24

The film industry's greatest litigation, the Government anti-trust suit against eight major film companies, came partially to an end yesterday (Tues.) when James V. Hayes, special assistant to the U. S. attorney general Robert Jackson, and in charge of the consent decree department, announced to a trial judge, Henry Warren Goddard in N. Y. federal court, that five major producer-distributors had agreed to a consent decree to terminate the action. The court then set a date of Nov. 14 at which time the independent producers and Columbia Pictures Corp., the only major company apparently to object, may be heard.

Judge Goddard declared, when Jacob Schecter, representing National Allied of New York, asked if the dependents could expect a hearing on the 14th to voice their grievances, "I propose to hear everything and anybody who has an interest in this case." Louis D. Frohlich, attorney for Columbia, announced his intentions of protesting the decree on the 14th in behalf of his clients. Universal and United Artists, the other members of the 'big eight,' who have refused to have anything to do with the proceedings, will not attempt to hinder court approval. The case was postponed to the 14th as to Columbia, Universal and UA, at which time it is probable the amended complaint against these three companies, charging unfair trade practices, will be filed.

Washington's OK

Assurance that the interminable discussions, which have been termed a comedy of errors, were at an end, came late Monday (28) afternoon when attorney general Jackson approved the decree in Washington after Thurman Arnold, his trust-buster, had given his consent. Thus, after two years, three months and nine days, Paramount, Loew's, Warner Bros., RKO and 20th-Fox are in the clear. Trial of the action which had started June 2 had been halted June 7, 1940, after opening statements, to allow for meetings between major company counsel and the Government to attempt a settlement.

After the hearing for independents, which may last from a day to a week, Judge Goddard is expected to sign the decree, and then the new action will start against the three non-theatre selling majors based primarily on selling methods. Under the terms of the 'escape' clause in the decree, signed by the 'big five,' the Department of Justice must obtain a ruling in its favor by June 1, 1942, against the 'little three,' based on selling methods, or the Big Five may withdraw. Despite the terrific opposition expected to be presented to the court on Nov. 14 by independents, Judge Goddard is expected to pay little heed to the protests, feeling, as he has declared in court, that the Government in its settlement was looking out for the best interests of the majority, and while some small individual merit might exist in the protests, it is impossible to secure a decree to satisfy everyone, and the minority must suffer to do the most good for the majority. This includes the present 'obnoxious' clause calling for sale of films in blocks of five, with the country's independent groups almost unanimously calling for cancellation privileges in its place.

Tracy and Rooney Repeat In 'Men of Boys Town'

Hollywood, Oct. 29. Spencer Tracy and Mickey Rooney repeat as co-stars in 'Men of Boys Town,' sequel to 'Boys Town,' starting next week at Metro.

Norman Taurog repeats as director, and John W. Considine, Jr., as producer.

'Sleepers' for Forde

Hollywood, Oct. 29. Eugene Forde gets the director call on the Sol Wurtzel production, 'Sleepers East,' at 20th-Fox, scripted by Lou Breslow.

Filming is slated to start Nov. 19.

Col. Settles With Rosen, Will Release His 'Mad Dog'

Los Angeles, Oct. 29. Al Rosen and Columbia pictures made an out-of-court settlement of their intermanagement suit involving the title 'Mad Man of Europe,' which the studio produced. Rosen charged it was lifted from his title, 'Mad Dog of Europe.'

Under the settlement, Rosen will produce 'Mad Dog of Europe' for Columbia release.

Vote Nov. 12 on Final Draft of Pact to Bring Pic Coin Back to B'way

Final draft of the amended Dramatists Guild basic agreement, which will regulate shows backed by picture money, will be formally presented to the Guild membership Nov. 12. Upon its presumed acceptance, Broadway will know soon thereafter whether Hollywood is to stimulate legit production this season. Monday (28) the Guild's council okayed additional suggestions submitted by the managers and advised Sidney R. Fleisher, film rights arbiter, to that effect.

Known that there are no important points in the amendment that have not been straightened out. Most of the issues were agreed upon by representatives of the film firms and the authors. More recently the managers participated in making revisions, which however, are evidently acceptable to the other interests.

FULL SPEED AHEAD ON TUNEFILMS AT 20-FOX

Hollywood, Oct. 29. 20th-Fox ordered a speedup on the production of 'The Great American Broadcast' to cash in on the current demand for musicals.

The other tune films, 'Rings on Her Fingers' and 'Tall, Dark and Handsome,' are in preparation on the Westwood lot.

Wobber of 20th-Fox Alone Specific How Decree Will Affect Pix Selling

In connection with the consent decree, VARIETY prepared a list of questions for the general sales managers of the five companies that are party to the agreement, and asked that they be answered "if that is possible, or an opinion rendered as to what might or might not be the case in the event pictures are to be sold in blocks of five." There is slight doubt that the provision to market films in packages of five will not withstand the opposition of exhibition forces.

Hieman Wobber, general sales head of 20th-Fox, writes as follows: "I have your letter of Oct. 17 asking various questions in regard to the selling of pictures under the proposed consent decree. The consent decree hasn't actually been approved yet and my present understanding of its provisions might later be changed. However, I will answer your questions as best I can at this time."

"I think there will be an increase of cost in distribution overhead but I have no way of knowing at this time what such an increase will amount to."

"I do not think that any additional exchange will be necessary."

"As I understand the proposed decree the exhibitor does not have to see a picture or group that he may want to buy. The distributor, however, must give him an opportunity to see the pictures before offering them to the exhibitor."

"I do not understand that the dis-

(Continued on page 20)

Frisco Turf Club Lures Val Paul From Films

Hollywood, Oct. 29. Val Paul resigned as production manager of the Richard Rowland picture, 'Cheers for Miss Bishop,' and moved to San Francisco to take an executive job with the new Golden Gate Turf Club.

Sherman Harris takes over the berth Paul vacated at General Service studio.

METRO SHIFTS ITS PIX INTO MUSIC HALL

With 'Dictator' (UA-Chaplin) in the Capitol, N. Y., for an indefinite run, Metro is offering its product to the Music Hall, N. Y., as films become available.

'Bitter Sweet,' which is slated for national release Nov. 8, and 'Philadelphia Story,' on which no release date has been set, have been booked with the Hall. Latter bought both pictures without seeing them. Some weeks ago it closed for 'Escape,' release date of which is Nov. 1. This film follows the current 'Westerner.'

Hall has also closed for 'Arizona' with Columbia. It bought 'Thief of Bagdad' from UA a long while back and for a time it was questionable whether the house would play the film though now it's definite.

LITVAK SIGNS WB AS PRODUCER-DIRECTOR

Jack Warner has signed Anatole Litvak to a two-year contract as a Warner Bros. producer-director. Litvak, currently in New York, plans to the Coast last (Tuesday) night.

Litvak will make 'King's Row' as first under new pact.

Armetta's Comedy Series

Hollywood, Oct. 29. Henry Armetta signed to star in four humorous films to be produced by T. H. Richmond for the Producers Releasing Corp.

First is 'It Happened to Me,' which starts Nov. 14 at Talisman.

Nat'l Board of Review's Salute to Disney's Pic

Annual conclave of National Board of Review, which will draw delegates to New York from 37 states, for the first time in its history, will be fashioned around a single film, Walt Disney's 'Fantasia.' Label on the convention is 'New Frontiers in American Film,' with the pen-and-ink entry introducing a new technique in sound reproduction, as the prize example.

Conference will be held Nov. 14-16, on one of which days the delegates will gander the Disney pictures.

Other News Pertaining to Pictures

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Consent Decree at a Glance

Document filed yesterday (Tues.) by the Department of Justice, anti-trust division, halts for a period of at least three years the Government's anti-trust suit in equity against five of the major film producing and distributing companies. Signatories are Paramount, Loew's (Metro), RKO, Radio, Warner Bros., 20th Century-Fox, and their subsidiary and affiliated companies.

Judge Henry W. Goddard has set Nov. 14, at 10:30 a. m., as the time and the Federal court building, N. Y., as the place to hear interested persons not parties to the suit voice objections to the terms. Anticipated that objections will be filed by exhibitor groups that are opposed to the five-picture group selling provision in the decree.

Government announces its intention to proceed forthwith, under an amended complaint, against Columbia, Universal and United Artists, co-defendants in the original action, but not signatories to the present decree. Failure of the Government to obtain, through agreement or decision, an order by which the three remaining defendants will adhere to the five-picture group selling plan, will result in releasing the five majors from such provisions after the full season of 1941-42.

Original complaint filed in June, 1938. Trial of action started June 3, '40. Was adjourned after opening arguments on June 7, upon application of parties to suit that a consent decree could be negotiated out of court.

By winning consent of the film companies to adopt arbitration of trade disputes under supervision of the American Arbitration Association, which will set up branch offices in 32 cities for this purpose, the Government agrees to defer for three years' action for divorce of theatre properties from affiliated distributors.

Blind selling of films (licensing pictures for exhibition before the films are produced) is prohibited by the decree. Films may be licensed only after trade showings.

Group selling shall be limited to five pictures in any single group, thus abolishing prevailing practice of seasonal bookings in large groups.

Decree does not provide for any cancellation of pictures after exhibiting agreement has been entered into, although it does not prohibit any company from making individual cancellation agreement. Does prohibit any distributor from making the sale of one group of films dependent upon an exhibitor buying another group.

Disputes subject to arbitration by local arbitrators, with appeal rights to a three-man board in New York, include:

1. Claims of unreasonable clearance of a theatre over a competing theatre.
2. Allegations of discrimination in favor of large independent circuits of theatres against small independent exhibitors.
3. Refusing to license pictures under any terms to certain theatres.
4. Forcing unwanted or un-needed short subjects on theatres as a condition for selling features.
5. Arbitrary withholding of available prints for the purpose of giving advantage to competitors.

National arbitration to be put in operation by Jan. 1, 1941. Small filing fees to be charged complainants of local actions and appeals. Major cost of maintaining the arbitration system will be borne proportionately by the film companies. Estimated that cost of arbitration will be approximately \$200,000 annually.

During three year trial period of the consent decree and the arbitration plan film companies agree not to extend their theatre holdings beyond reasonable requirements to maintain status quo, with Department of Justice established as the judge of permissible extensions.

Now It's Kihlan For Comic in 'Western Union'

Hollywood, Oct. 29. Victor Kihlan is the third actor assigned to the comic cowboy role originally meant for Laird Cregar in 'Western Union' at 20th-Fox.

After playing a few scenes, Cregar stepped out of the cast for two weeks of added scenes in 'Hudson's Bay,' George (Gaby) Hayes, second choice for the role, was forced to withdraw because of illness.

Jeanette's Concert Trek

Hollywood, Oct. 29. Jeanette MacDonald opens her concert tour Nov. 11 in Little Rock, Ark., and appears in 10 more cities before returning to Hollywood.

Second part of the tour starts Jan. 13 and takes in a dozen southern towns.

Boles' Concert Tour

John Boles, back from a concert tour of South America, is warming up his pipes for a platform route of two months in the U.S.A.

Meanwhile Boles is mulling two picture deals.

'MR. D. A.' GIVES REPUB ITS 7TH 'KEEP COMING'

Hollywood, Oct. 29. 'Mr. District Attorney' is being adapted at Republic from the radio program of that title, with the idea of turning it into a serial. Karl Brown is doing the adaptation.

If it clicks, it will be the seventh series or serial on the studio program. The others are the Higgins Family, the Dick Tracy cliffhanger, the Autrys, the Roy Rogerses, the Don Barrys and the Three Mesquites.

'Mr. Co-Ed' Next for Wm. Powell and Myrna Loy

Hollywood, Oct. 29. 'Mr. Co-Ed,' a comedy with a collegiate background, is the next co-starrer for William Powell and Myrna Loy at Metro. 'Thin Man' story, originally slated for the pair, has been shelved temporarily.

Jack Conway directs 'Co-Ed' and Sam Zimbalist produces.

Beery as 'Bad Man'

Hollywood, Oct. 29. Wallace Beery's next starrer at Metro is 'The Bad Man,' starting next week, with Richard Thorpe directing and J. Walter Ruben producing.

Picture is based on Porter Emerson Brown's play in which the late Holbrook Blinn starred.

Wurtzel's S.A. Tour

Hollywood, Oct. 29. Sol Wurtzel heads for South America in December to make a three-month survey of conditions and customer preference.

Wants to gear his 20th-Fox pictures for the Latin trade.

PIX OFFSET TO ELECTIONS

PIX BIZ ON ITS METTLE

Radical revisions in the commercial and showmanship processes by which films are distributed to theatres—and the public—heretofore always have been brought about by experiment from within the industry. Most important angle of the consent decree, which was signed yesterday by the Government and five major film companies, is that a new, and untried method of licensing films to exhibitors is being set up by court ukase. Only a fair trial of the plan will prove its adaptability to the highly complicated distribution scheme.

Elimination of blind selling of pictures, a trade term which describes the long prevailing practice of contracting for a whole season's product in advance of production, inevitably puts the pressure on the selling organization of the majors to examine every picture on the lists for its particular boxoffice merit. Whatever the advantages of the present method it cannot be denied by its proponents that in the course of a year, the industry at large is the loser through exploitation neglect of much of the product output. On that account, among others, the new plan, by which sales are limited to blocks of five films, may justify itself.

Any major change in operation methods of the industry to be successful must embrace two essentials. It must encourage the production of better product by returning higher film rentals and wider exhibition; and it must stabilize the exhibition branch of the business in a manner that will attract new capital for improving and extending the exhibition structure.

It has been asserted by numerous exhibitors that the fear of unfair competition from affiliated and larger independent circuits has deferred plans both for new theatres, to replace obsolescent houses, and extensive physical improvements in existing theatres. The consent decree terms, limiting expansion of the affiliated circuits within reasonable bounds of development, may be the assurance which independent theatre men have been seeking.

It is not logical to assume that in a country which is constantly growing, in population and wealth, that there is not great room for future expansion for the film industry.

Although the new sales requirements are controversial within the trade, there is unanimity that the setup of national arbitration of practice disputes will be universally beneficial. Relations between film exchanges and theatres are highly technical within the terms of the agreements under which films are exhibited, and controversies, frequently arising, are of a nature that are difficult to solve in court actions. Time element, also, is involved. Record of the American Arbitration Association over the past two decades is a guarantee that the mediation scheme will be constructive.

Heretofore neglected as 'parties at interest,' the new order of things will have an important bearing on the future status of the creative talent—actors, writers and directors. There are higher premiums in sight for outstanding work; a possible, unhappy experience for those who have had a free ride, year after year, under the blockbooking plan.

Hollywood will be put on its mettle.

For a short period the open season for lawsuits is ended. An industry which has been under harassment, uncertainty and pressure for more than two years is about ready to get back to work.

CHRISTIE-McARTHUR BACKED BY STEELE

Budget of \$400,000 has been set for the first film of the new Al Christie-Charles McArthur unit which will produce under the banner and with the backing of Odessa Productions, of which Bernard F. Steele is prez. Christie and McArthur will be co-producers and co-directors of the first pic, for which MacArthur is now preparing the screenplay. Film is 'Fathers of Madelon,' comedy-drama, by Frank R. Adams, which was published as a full-length novel in Red Book about six months ago. MacArthur is expected to take five or six weeks readying the script, after which he and Christie will shift to the Coast. Steele is now working on a major release for the film and others which are expected to follow. Two companies are interested, it is said.

Odessa last year turned out 'Back Door to Heaven' on an arrangement with William K. Howard similar to that under which Christie and MacArthur are working. It was released through Paramount.

Sperling's New Deal As 20th Producer

Hollywood, Oct. 29. Million Sperling drew a new pact as associate producer at 20th-Fox which tore up the old one at the end of one option period. 'Stand Up and Cheer' is the first of four productions on his slate for the current program, rolling Dec. 16.

Three others on the Sperling schedule are 'Sun Valley,' 'Whispering Wires' and 'Dangerous Lady.'

The Ride Must Wait

Hollywood, Oct. 29. Cesar Romero's next Cisco Kid starrer, 'Ride On, Vaquero,' was set back to a Jan. 13 start, owing to casting of the actor in 'Tall, Dark and Handsome,' a musical which rolls early next his new 20th pact. This one also.

Fred Kohlmar is associate producer on 'Handsome,' Bruce Humberstone directing.

BOOK STRONGEST SHOWS NEXT WK.

Sharp Dent in Business As Politico Campaign Whirls Into Its Finale

TOUGH OPPOSITION

Theatre booking through Tuesday night (30), Election Day, is being guided by a determination to date the best shows possible as a means of offsetting the opposition against the boxoffice as a result of the intensity of the campaign in its final week, and by the big blowoff Nov. 5 when a record number of Americans are expected to go to the polls.

According to theatre men, business at night started to get a feel of the campaign last Wednesday (23) when the air offered President Roosevelt, Willkie and Al Smith, but over the weekend the figures showed amazing strength throughout the country. This may be due to the fact that the theatres scheduled dates for the better product available in the exchange vaults, in anticipation of inroads by the pre-election opposition.

Willkie and Smith were on the ether Saturday night (26) at the theatre hour (9:45), but on the two weekend days a check of the grosses across the country showed that they were better than for the corresponding two Saturday-Sundays last year. Roosevelt and Willkie were also on again Monday night (28), plus a varied collection of others in the political arena from 6:45 well into the late evening. Biz Monday (28) was off markedly. Roosevelt goes on the air again tonight (Wed.), also on Friday (1) and finally Monday (4). Willkie is on every night until election.

The theatres know of no way to cope with the election opposition, this year one of exceptional public interest, except in the booking of the best shows obtainable and in the trailering currently of results that will be provided election night.

This has been done in previous election years through hookups with newspapers, wire syndicates or through radio, and will be done again. Daytime business Tuesday (5) will probably be the slowest ever and for some states it will go beyond the 6 p.m. poll deadline which exists for most of them. Time voting stops varies among the various states, but this year it will be 9 p.m. for New York as against 6 p.m. in prior years. Pennsylvania has always been 8 p.m.

Fisco Pessimistic

San Francisco, Oct. 29. Only election-night preparations being made by theatres here (aside from laying in extra aspirin) are with regard to occasional flashes on returns, phoned by newspapers or picked off the air.

Operators figure there won't be very many folks inside to hear 'em and anyway those few are likely to be refugees seeking respite from political statistics.

Exonerate Frank Scully

Los Angeles, Oct. 29. Frank Scully was cleared by a jury in Superior Court of all charges in connection with the embezzling of public funds as secretary of the Department of Institutions.

The case involved \$2,639 which Scully had sequestered in a Hollywood bank.

WB'S KATH LOCKE TEST

Katherine Locke planned out for the Coast last Wednesday (23) for screen-testing by Warner Bros.

Studio is interested in the legit player as a possibility to play Betty Davis' sister in 'January Heights.'

British Coin Freeze Treaty With U. S. Filmers Expires Friday (Nov. 1); Kennedy Due to Report This Week

Archie Mayo Goes 20th

Hollywood, Oct. 29. Archie Mayo signed a two-year first assignment under producer-director deal at 20th-Fox, with 'The Great American Broadcast' as his guidance of Kenneth Macgowan.

Director recently settled his contract difficulties with Samuel Goldwyn.

Stiff Fines For Profiteering On Defense Taxes

Detroit, Oct. 29. Evidence Uncle Sam wasn't fooling when he warned theatre men, liquor dealers, amusement operators, et al., not to use the new defense taxes as a means of jacking up prices or deceiving the public on the amounts collected, was given here. Seven wholesale beer dealers in Michigan were indicted by a Federal grand jury on charges of profiteering under the guise of collecting the defense taxes and face a maximum penalty of two years in prison, \$5,000 fines or both.

At the time the new taxes went in, a caution went out that it was to be made clear how much was being collected for Uncle Sam. Theatres throughout Michigan did a nice job on the new taxes, running patriotic trailers, showing how the money was to be spent and posting signs, as in World War days, showing how much was tax. Those which raised prices to round numbers were careful to indicate the tax and the additional penny price increase.

On the contrary, the liquor men began to earn plenty of abuse by jacking their prices up far above the price required. The Michigan indictment is one of the first issued since the law went in July 1 and will be followed by others throughout the nation, U. S. Attorney John C. Lehr said.

20TH-FOX SCUTTLES 6 FOR DIVERS REASONS

Hollywood, Oct. 29. Seven pictures previously announced have been removed from the 20th Century-Fox 1940-41 slate. 'Rip Van Winkle,' intended for Shirley Temple, has been dropped because the moppet is no longer on the lot. 'Andre Maginot,' based on the French Maginot Line, has been scuttled because of Hitler.

'Highway '68' is out as a sequel to 'Grapes of Wrath' because the story was unsatisfactory. 'Fifth Avenue' has been chucked by Zanuck as unsuitable under present conditions. 'Down on the Wabash' has been scratched as too similar in theme to 'Maryland.' Also yanked are 'Song of the Islands' and 'Khyber Pass.' Unlikely that 'Brooklyn Bridge' will be done this season.

Sisk Back to RKO

Robert Sisk, RKO producer, planned back to the Coast last week after four-day visit to New York to go over details of a story property which the studio is considering purchasing. Sisk categorically denied report that he was leaving RKO to join 20th-Fox.

Joseph P. Kennedy, America's ambassador to England, who arrived by Clipper last Sunday (27) from Europe, will report newest developments on the Great Britain coin freeze, as had been expected, some time this week. He is due to confab with Will Hays when details of the distributor money situation likely will be revealed.

American picture companies striving to get not less than \$12,500,000 out of Great Britain in the 12-month period starting next Nov. 1. However, if the Johnson credit act of U. S. is repealed and credit allowed Great Britain on war supply purchases, the \$17,500,000 permitted out in remittances to seven American major companies (Universal made a separate deal because of British affiliations) during the past year ending Friday (Nov. 1), may be retained. The British government, seeking to conserve its dollar exchange, is reputed as asking only \$5,000,000 to \$7,500,000 allowance to U. S. distributers.

Decision must be made before midnight, Oct. 31, it was stated officially in New York yesterday, but negotiations still were going on both here and in London late Tuesday. Actual ruling by the British government may be held in abeyance until after the Presidential election, Nov. 5, or until after it's known whether the Great Britain government will be permitted coin for war purchases. Despite these developments, major companies continue talking the \$12,500,000 figure, should the situation remain as is, because they contend this is the smallest amount they can operate on successfully in the British Isles.

Ambassador Kennedy's radio address last night (Tues.) was to have confined itself to the international political situation.

Dave Chatkin Now At Columbia Studio To Learn Pix Prod.

Another theatre operator who is prepping for a production pop is Dave Chatkin, who is at Columbia's studio on the Coast serving a two-months' apprenticeship. If this develops to the satisfaction of the Col production executives, he will be assigned to the Irving Briskin unit as a producer, it is understood.

Chatkin went west two months ago, first to look around, as he indicated. He stepped out of Monarch Theatres at that time and the circuit, operating in Indianapolis, Youngstown and a couple other spots, is now under the sole direction of Harry Katz, brother of Sam, a Metro executive.

For many years with Publix as a high theatre operating executive, Chatkin and Milt Feld, later now a Universal production executive, stepped out to organize Monarch Theatres with which Harry Katz also became associated. Chatkin previously had been in distribution, about 15 years ago.

WANGER BREAKING HIS JUMP TO THE COAST

Walter Wanger, after several months' east, left last week to work his way Coastward making speeches. He'll arrive in Hollywood on Friday (1) after stops at Cleveland, Chicago, Des Moines, Seattle and Portland.

His next picture will be 'Eagle Squadron,' an original, which he bought while in New York. Story of the American unit which is fighting with the RAF in England is by J. L. V. Shelley. William Wellman, who directed 'Wings,' is being talked with by Wanger to handle the meg.

Par in No Mood to Close Any '40-41 Film Deals Unless the Price Is Right

Paramount has not closed any deals to date on its 1940-41 product—nor is it closing any now on the fire—where it hasn't gotten the terms which it has carefully laid down for its pictures this season. As a result, its highly-gearred distribution department is making deals which may ultimately stack up as the best in Par's history, with optimism running high throughout the sales division in view of early deliveries and the looks of the films which are yet to be released.

Company has taken an adamant stand in the matter, based upon a valuation of its product that is much higher than for the past two years, and is not compromising deals under strong resistance. The Warner deal which was long in negotiation, was ultimately agreed upon in principle for the entire circuit and a vast amount of detail is now being worked out between Par and WB covering the application of the agreement to all the houses.

RKO Ahead

RKO is claimed to be running substantially ahead of last year on sales, its 1940-41 deals placing the company in a better position than it was at this time last year on the '39-40 product. The New York branch, including sales in the Greater N.Y. area, is among those that are well in front of last year.

During the past week RKO closed with the Kallet circuit, operating 15 houses in upstate N.Y. Deal was set by Bernie Kranze, exchange manager at Albany.

The Mullin & Pinanski circuit has purchased the Republic product for its houses in Boston. J. R. Grainger went to negotiate the deal in association with Rep's Boston branch manager, M. E. Morey. Marty Mullin and his film buyer, Phil Seletsky, acted for the circuit.

Republic has negotiated a sales contract for its 1940-41 pictures with the A. E. Lichtman circuit, operating in Washington, D. C., and Virginia. J. R. Grainger and Sam Flax, Rep's Washington franchise holder, set the Lichtman deal.

Paramount's Miami circuit, headed by S. A. Lynch, and the Malco circuit, operated by M. A. Lightman in partnership with Par, have closed for the RKO product. Bob Mochrie, eastern-southern sales manager headquartered at the home office, headed delegation in consummation of the deals.

According to Neil Agnew, distribution chief of the company, accounts on the books are volunteering to up admissions on the C. B. DeMille picture.

Grad Sears, Warner Bros. sales chief, starts on the longest sales trek of the current season some time next week. He plans covering the midwest, southern and Coast territory before concluding this trip the middle of next January.

Jose Raventos, principal exhibitor in Costa Rica, in New York this week on a buying trip.

Because most of product deals are made on the spot in his own country, present trip involves purchases of new equipment. He plans returning home Nov. 2.

Par Northwest's Deals

Minneapolis, Oct. 29.

Minnesota Amus. Co. (Paramount) has completed 1940-41 product deals with all the major distributors, excepting Columbia and United Artists, and it's expected that the latter will be set shortly.

John J. Friedl, the circuit's head, just returned from New York where the deals, with 20th-Fox and Warners were signed.

Northwest Allied districts are going on record in opposition to admission boosts for such special releases as 'Boom Town,' etc., claiming that the policy penalizes the smaller exhibitors whose releases are set back with the result that larger town houses having the same clearance take the cream off such pictures by playing them well ahead at the higher scale, which is impracticable in smaller situations.

Following test dates in a half dozen opening engagements, during the past week, Paramount is seeking dates on 'Northwest Mounted' at increased admissions along the same lines as figured for 'Boom Town,' 'Brigham Young' and other films.

Geo. Skouras' Gesture To British Exhib' Family

A. Graham, owner of a small cinema circuit in England, is a happier man today than when he first sent his wife, two children, sister and nephew to the U. S. for the duration of the war. Also he feels more kindly towards the American film business. All because George P. Skouras issued the family a year's pass to the Liberty theatre, Elizabeth, N. Y., after being told of their desires by Metro.

Under currency restrictions, each member of the family was able to take only about \$40 with him to U. S. Graham, Sr., sought some plan whereby he could pay in England and have his family enjoy theatre entertainment in America. Sam Eckman, Jr., Metro's director in England, communicated with Bill Rogers, Metro's domestic sales chief, who referred the matter to Skouras because he operates the Liberty, Elizabeth. The pass was immediately forthcoming.

3 Warner Brothers' Trust Funds Okayed By Revenue Dept.

Washington, Oct. 29.

Ingenious trust fund arrangements by the three Warner brothers saved Jack L. Warner approximately \$5,000 last week when the U. S. Board of Tax Appeals sided with him in an argument versus the Internal Revenue Bureau. The Federal agency was trying to collect gift taxes on amounts paid in 1932, 1933 and 1935 to his son, Jack M., and to his former wife, Irma, from a trust created by Albert Warner.

Following the death in 1931 of Lewis Warner, Harry's son, the WB proprietors established three funds to protect themselves and families in the future. Each brother named another as beneficiary, giving up all control over the fund. All trusts were set up simultaneously, on May 26, 1932, and each was for \$2,000,000.

The Government argued that there was a quid pro quo in the arrangement and that, in effect, the payments from the various funds were gifts to other family members. This position was not sustained by the umpires, who said it does not appear that any one of the Warners would have created a trust for the benefit of his brother's family had not the other two agreed at the same time to create similar trusts, but, on the contrary, the creation of each was dependent upon and in consideration of the creation of the other two. Decision noted that in each instance the individual creating the trust gave the power to amend, alter, or revoke to his two brothers and their long-time legal advisor, Stanleigh P. Friedman, individually surrendering all control.

Trust set up by Albert Warner provided that half of the income should go to Jack's son and one-fourth to Jack's former wife. In accordance, amounts were paid out during the three specified years and the Revenue Bureau wanted a total of \$4,585.15 in gift taxes. Theory was that Jack Warner had the power, if two other trustees went along with him, to change the agreement and consequently could have withheld the payments; ergo, the cash amounted to gifts.

Dissenting opinion was rendered by three Board members, who took the slant that provisions of the 1934 Revenue Act allowing the gift levy, were not retroactive and taxes should be collected for the first two of the three years.

Lazarus' \$193,997 Estate

New Orleans, Oct. 29.

Henry Lazarus, theatre operator who died recently, left an estate valued at \$193,997, which will go to his widow and son, Isador, according to an inventory filed in civil district court here. The bulk of the estate was represented by theatrical stock and properties.

Lazarus owned the Center and Coliseum and was part owner of the Circle theatre.

Kent Promises 20th-Fox Draftees Reemployment

Coincident with the drawing of the first numbers under the draft, S. R. Kent, president of 20th-Fox yesterday (Tues.), announced its policy concerning men who are called into service. Every employee who has been with the company for one year or longer will be taken back into 20th providing application for resumption of employment is made promptly on dismissal from training.

Any group insurance carried by 20th in behalf of employees will be continued on the spot by 20th. Each employee called into military service will receive up to four weeks' salary, the number of weeks to be determined by the company.

U.S. Okays 250G For Military Training Pix

Hollywood, Oct. 29.

Initial outlay of \$250,000 is being made by the Government for the production of training pictures for draftees here. Additional appropriations will be forthcoming as work progresses. Gordon Mitchell, general manager of the Academy Research Council, who supervises production in collaboration with other army reserve officers, planned back to Washington yesterday (Monday) for further discussions with the army Signal Corps chief.

Revealed that the motion picture division of the Signal Corps reserve will have 26 officers and 304 men headed by Warner's Major Nathan Levinson, who gets the commission of lieutenant-colonel. Other officers: Major Sam Briskin, Major Bryan Foy, Capt. Robert Lord, Capt. Byron Haskins, Capt. Edward Sutherland, Lieut. W. G. Hoch, Lieut. Roy Fernstrom, Lieut. Jules Buck.

During the production of training pictures, officers are liable to take time off from studio duties. The division is not to be called out unless mobilized into service. Understood Harry M. Warner is making available the old Vitagraph studios here for the training pictures. First picture expected by the time the initial group of draftees reach camp.

Par Woos 2d Runs' Co-Op In N. Y. (Meaning Loew) Via Passes to Managers

With the thought of getting more out of its product in the Greater New York area, Paramount is planning an experiment embodying an invitation to all of the Loew managers, assistants and press agents to view the Par product before it reaches this chain's theatres. Loew's plays all of the Par pictures on subsequent run following their showings at the Par, N. Y.

A total of 190 passes will be issued by Par to Loew operating forces entitling them to view forthcoming Par films in the 'A' category on second weeks at the N. Y. Par.

Passes to be issued to the 190 Loewites will call for their signatures and in order to insure that the oakleys aren't being given away, the signature will be asked for on presentation for verification.

Plan is the first of its kind known in the industry and if paying out so far as results on Par pictures are concerned after they leave the N. Y. Par, it may become a regular policy in New York as well as elsewhere.

SAME 10% GUARANTEE FOR CHAPLIN AS 'GONE'

Decision has been reached by United Artists and Charles Chaplin to guarantee accounts a 10% profit on deals for 'The Dictator,' which is being marketed at the same all-time high of 70% straight from the first dollar as applied for 'Gone With the Wind.'

UA has held in abeyance for several weeks its answer to buyers whether it would emulate the Metro policy so far as the 10% indemnification of profit was concerned, but now has advised that such a guarantee will be provided on agreement

OF PEOPLE AND PLACES

By The Skirt

The Best Dressed Woman of the Week
LOUELLA O. PARSONS
State Theatre

Louella Never Looked Better.

Buck that line. In football jargon that is what one has to do this week to get into the Variety office. A delegation from Hollywood holds sway at the State Theatre and the autograph hounds are out in legion at the stage door which happens to be next to Variety. These enthusiasts have a new wrinkle—cameras. They take pictures, have them developed, then come around again and try to get the victims to autograph the snaps.

The Hollywood visitors this week are Louella Parsons and party. It's a much better entertainment than last year's probably because arranged and written by Edgar Allan Woolf. Louella never looked better than she did at the second show Thursday in a long wine red cocktail model. The neck line is a deep V with the skirt slightly gathered in front. An off-the-face round black hat has a band of red underneath the brim which is edged with curled aigrettes. For the finale a black fringed gown is a setting for beautiful jewels; Miss Parsons has 'them all' on display. The necklace is breath taking.

Brenda Joyce wears a nice dress consisting of a long black full skirt and white top. She does a number in a blue skirt and white pullon. A gown of pale pink chiffon is heavily studded in brilliants with a sea green sort of bolero. Ilona Massey, pounds thinner, is sweetly pretty in a peasant costume of white organdie and soon changes to an elaborate pale blue gown worthy of a prima donna, which happens to be just what Miss Massey is. And then there's Binnie Barnes, more beautiful than ever. A white satin gown has a girle of gold net with turban the same. Her comedy number is done as probably only an English woman can do such stuff. For the Conga finish a bluish grey gown is topped by French red jacket, embroidered on the edges in gold.

At Jimmy Roosevelt's Peep Show

Hundreds were invited, thousands came to James Roosevelt's and, Fred Mills' first showing in New York of the Mills Panorama-Movie Machine and Soundies. The machine, about seven feet in height, has a screen 14x18 inches, and the pictures are clear and the subjects interesting. There is 'The Parade of the Wooden Soldiers,' with girls dressed in the well-known costumes and girls in short skirts as an added attraction.

A hula number is costumed in true Hawaiian costumes and Victor Young blares forth with his band playing 'Tiger Rag.' Joy Hodges does a number in a pretty frock of white with a sequin bodice and there were innumerable others, as the show went on for hours. Each film ran about three minutes and noted in them were many well known faces. There is no limit to what can be done in the way of entertainment and it would be bad for the picture houses if the price of these machines could be gotten down to normal for the home.

Among the thousands who milled through the many rooms of the Starlight Room of the Waldorf were Lanny Ross, Sophie Tucker, Carol Bruce, Ella Logan, Shep Fields, Abe Lyman, Sam Strahl, Max Bear, Terry Lawlor, Francis Faye, James J. Walker, Eddy Duchin, James T. Mangan and Sam Roth, Virginia Smith, Ray Gallo, Dave Apollon and John Otterson.

Lila Lee Lovely in Plain Brown

'Blind Alley' now showing at the Windsor Theatre was in moth balls for some years. It is a play well worth reviving and with the deft direction of Jack Daniels makes for an engrossing study of criminology. There were raves for Roy Hargrave but James Todd should have shared in the honors. Lila Lee has developed into a lovely woman. She has little to do in this show but she adds to the picture. Her one dress was a cinnamon brown made very plain but for two ornate pockets. Dode Wick a governess picked prints for her costumes and the moll gal, Bernadene Hayes, wore the sweater and skirt of her world.

The Gamut From 'B' to 'R'

Gary Cooper may draw a feminine audience to the Radio City Music Hall but the picture never will. 'The Skirt' concentrates on the stage show. Firstly there is Henrietta Schumann, pianist for the week with the orchestra. Her gown was of a solid red. The show proper, 'In the Mood,' runs the usual gamut from 'B' (ballet) to 'R' (Rockettes) with latter the customary wow. The ballet is a sort of Pierrot number with the coloring blue and white. The white satin of the Pierrot is topped with blue caps, of a pale shade. Girls are attractive in very short skirts made very full with overdresses of the blue.

The military number of the Rockettes is done in short flamingo red cloth costumes made with short skirts and a touch of black running down the front of the jackets. Black boots and hats matched.

Feeding the Famous

Lunching at Frank Case's Wayside Inn Thursday: Dennis King, Florence Reed, Charles Walters, Oscar and Estelle Alexander, Jessie Royce Landis, Marc Connelly, Ernest Pascal, Mischa Elman, Oscar Serlin, Ernest Cosart, Peggy Wood, Jean Muir (who, by the way, has entirely new makeup much to her advantage), and Will Hays.

Dinner at Toots Shor's is doing capacity business: Bert Lahr, Jay C. Flipper, Ben and Sylvia Socolow, Johnny Broderick, Moll Pickman and Lela Leipsic with her staunch friends the Camps. The rest of the crowd was made up mostly of the City Athletic Club.

Their Favorite Recipes

(Lila Lee Stew)

1/4 lb. suet	2 green peppers
2 lbs. shoulder beef	4 carrots
Salt	4 potatoes
Pepper	1 cup tomato juice
Paprika	3 cups of water
4 onions	1 celery stalk

Melt the suet and then strain. Add onions cut small, shoulder of beef, season and sprinkle with flour. Cook till brown. Remove to pot and add seeded green peppers, three cups of water, one cup of tomato juice, one celery stalk cut small. Simmer until tender. Then add four diced carrots, diced potatoes and cook until tender.

between distribution and account concerning overhead.

If the exhibitor does not want to play 'Dictator' at the straight 10% terms, he may make a deal for the 10% profit and reap at least this or more event that any 'coverage' above the 10% does not exceed 30% of the gross.

Playing so far only for Loew's at the Capitol and Astor, N. Y., the Chaplin picture goes into 25 spots tomorrow (Thurs.). An additional 18 have been set for date. These include a majority of Loew situations, two houses for Balaban & Katz, one for Publix-Shea, one for

the M. A. Shea circuit; a couple for Warner Bros. and a couple for the Evergreen circuit in the northwest.

London Hot for Chaplin

London, Oct. 29.

Bidding is continuing for the West End preem of Charles Chaplin's 'Dictator,' with the latest development placing Gaumont's Regal and the Pavilion in line to get the film for simultaneous opening.

Oscar Deutsch has been outbid but is cabling Chaplin direct to get the preem for his Odeon circuit.

6.500 EXTRAS BEEF TO AFL

Browne Due to Meet Casey in N. Y. Later This Week on New IA Pact

Pending the arrival of George E. Browne, president of the International Alliance of Theatrical Stage Employees, in New York to present to Pat Casey the demands of the IA on jurisdiction and working conditions, it is anybody's guess, in Casey's words, what may be expected. Meantime, no advance indications have been made to producers as to IA wishes concerning an approximate 8,000 IATSE workers in the studios.

Casey was in Chicago last week but Browne was on his farm near Chicago several days, ostensibly in huddles with his own people on the matter, and Casey came on to New York. Browne is expected east the end of this week to enter into discussion on the studio situation with Casey, who is labor relations counsel for all the producing companies. Not unlikely that the powwows between Casey and Browne, as well as between Casey and the producers, will consume weeks. In any event, Casey expects to be east for some time but it may be that final parleys will be held on the Coast, as frequently occurring in the past.

The IA has a five-year contract with the studios dating from February, 1939, under which it has subsequently received a 10% increase. This was negotiated by Willie Bioff several months prior to his removal to Chicago to serve out an old term for pandering, now completed. Bioff is back in Hollywood but thus far he has not resumed any active participation in IA affairs.

Local Autonomy

The question of local autonomy in Hollywood is among matters anticipated for discussion with Casey. Among other things, the producing fraternity is awaiting notification as to the status of the American Society of Cinematographers, which has applied for an IA charter.

Another matter for producer attention concerns the drive of the Screen Office Employees Guild, which claims an industry membership of 1,800. Balloting has been going among the various studios during the past week, which was completed, it is understood, on Monday (28), and it now remains for the National Labor Relations Board to determine whether it shall be the certified bargaining agent for these workers. It will probably be a month before this is decided, in the opinion of Casey.

The scenic artists, under the jurisdiction of the Moving Picture Painters, Local 644, have already served the producers with demands for a 30% increase. Artists ask a 15% hike, retroactive from July 1, 1937 to Aug. 25, 1939 and an additional 15% boost from the latter date to the present, bringing the minimum wage scale to \$200 for foremen, \$4 an hour for gang bosses, \$3 per hour for journeyman scenic artists, \$2 an hour for assistants and \$1.55 per hour for shop men.

N. Y. STATE MPTO ASS'N MEETING IN SYRACUSE

Crystallizing exhibitor forces of New York state into an organization that will stretch from Buffalo east to embrace Albany, leaving the lower part of N. Y. to Allied Theatre Owners, a meeting has been called in Syracuse tomorrow (Thurs.) to take final steps in setting up the MPTO of the State of New York in the Central N. Y. area. It has been called at the suggestion of Syracuse exhibitors, headed by Sidney L. Grossman, and will be attended by A. Charles Hayman of Buffalo, veteran exhibitor and president of the Western MPTO of N. Y., as well as Sidney B. Pfeiffer, counsel for the organization, also of Buffalo.

Officers and directors of the Syracuse area will be elected to the State organization at tomorrow's session and aims—purposes of the newly-founded statewide outfit will be discussed.

Skouras' Family Huddle

Hollywood, Oct. 29.

Spyros Skouras is here from New York for confabs with his brother, Charles, regarding their extensive holdings in Greece.

Charles, as head of the family, recently made a trip to Greece to wind up the estate of another brother there.

Fantasia's Spot Between IATSE And IBEW Scrap

Walt Disney is caught in the middle of a union jurisdictional dispute which may not only delay the opening of 'Fantasia' at the 53d St. theatre, N. Y., but threatens the picture wherever it plays and may extend to the cartoon-maker's studios in Hollywood. Battle is between the International Alliance of Theatrical Stage Employees and the International Brotherhood of Electrical Workers over installation of the special sound equipment for exhibition of 'Fantasia.'

Local No. 3 of the IBEW is a building trades union which ordinarily handles installation of equipment in new buildings, while the I.A. primarily takes jurisdiction over maintenance and operation of equipment. Difficulty is that while the Disney equipment for the 53d St. is new, the building is not and both sides have some points in their favor under ordinary procedure. Local No. 1 of the IA, which is the unit involved, points to the fact that it installed equipment in theatres when sound came in a dozen years ago, as a precedent.

Hal Horne, Disney's eastern rep., declared that it is immaterial to him which union does the job just so the preem on Nov. 13 does not have to be postponed. Tremendous publicity campaign has been set in.

(Continued on page 22)

PIC ENGINEERS SOC. BREVETS WALT DISNEY

Hollywood, Oct. 29.

Society of Motion Picture Engineers wound up its annual convention by awarding Walt Disney the Progress Medal, highest citation in the field of film engineering.

The honor, E. A. Willford, SMPE president, declared, 'is in recognition of his major contributions to motion picture technology in the establishment of correspondingly advanced laboratory facilities and methods in the photography and sound recording of feature and short cartoon films, and in the evolution of outstanding adequate technique in color, and black-and-white cartoon production.'

Accepting the medal, Disney paid tribute to the artists and technicians who had worked together to develop cartoon photography. He added, 'my one fear for the future is that some day our technical evolution will hit a stone wall and stop. And when that stops, our little entertainment medium can't grow up any more.'

SANDERS' HOMECOMING

Hollywood, Oct. 29.

George Sanders, currently starring in RKO's 'The Saint at Palm Springs,' gets the top spot in 'Uncensored' on his home lot, 20th-Fox, his second role there in two years. Filming starts Nov. 25.

JOBS AT LOWEST EBB IN 5 YEARS

Want Voting Privileges in Screen Actors Guild—Also Authority to Negotiate Own Deals with Producers

CENTRAL CUTS STAFF

With employment in the film industry at its lowest mark in five years, 6,500 Hollywood extras are appealing directly to the American Federation of Labor for aid in their fight to force the Screen Actors Guild to grant them full voting privileges and authority to negotiate their own deals with the Producers. When the SAG board of directors removed Class B members from the admittance committee, which controls new admission to the extra ranks, several members of the Guild Council immediately contacted the office of Meyer Lewis, western director of the AFL.

It is understood the extras were told their beef would have to be forwarded to William Green, proxy of the AFL, who, if he thought the evidence warranted it, could place the matter before the AFL Executive Council with a request for an investigation. The extras claim they are the only craft in the studios that have not received a wage increase, and that nothing has been done to improve their working conditions. A total of only 18,000 extra jobs were passed out by Central Casting Corp. in September, and indications are that the figure will be even less in October.

Voting Privileges

The extras are insisting that they be given the same voting privilege as Class A members, which would automatically give them control of the Guild. Tops in the SAG claim the Council does not represent the desires of a majority of extras, and point out that when the extras were offered autonomy with a separate local they turned it down overwhelmingly.

The situation was aggravated recently when the SAG board of directors ignored a request of the Council that they be permitted to elect a representative to work with the Producer-SAG standing committee in carrying out its recommendations, including elimination of 2,000 extras who worked less than 10 days in 1939. The directors announced the standing committee recommendations would be submitted to a direct vote of the Class B membership for approval after the Council had declined to okay it unless the extras.

(Continued on page 27)

NLRB TO GET SPG PETITION

Following meetings with legal representatives of all the film companies during the past week, concluded by session with Metro yesterday (Tues.), the National Labor Relations Board will consider the merits of a petition presented to it by the Screen Publicists Guild for certification as bargaining agent for publicity-advertising department workers. A decision is not expected for a week or more.

Meetings have been conducted in New York before Charles Kramer, local examiner for the NLRB, and each film company has appeared before him one at a time rather than together. On Thursday and Friday (24-25), 20th-Fox, Warner, RKO, Paramount, Columbia and United Artists were called in. Universal was not asked in since it has a union contract covering home office employees with the Office Workers organization.

According to legal sources, the

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Too Many Disappointments on Pix Promised RKO by Its Indie Unit Prods. Causes Schaefer's Axe-Swing

Good for a Yarn, Anyway

Hollywood, Oct. 29.

Arthur Caesar and Bogart Rogers are writing a screen musical around a group of musicians who joined a service band to beat the draft.

Idea was inspired by the recent plight of several musicians, who after joining to keep up their local contacts, were ordered to Panama for nine months.

Piazza's Letout Started Shakeup On the RKO Lot

Hollywood, Oct. 29.

Shakeup started by George J. Schaefer, president of RKO, in the talent department, increases in momentum and threatens tremors all over the Gower street lot. It began with Ben Piazza, who leaves the studio Nov. 2 after being in charge of talent for nine months. With him go Oliver Hunsell, dramatic coach in charge of young RKO players, and Julius Evans, talent scout and test-director.

In the production department, Gene Towne and Graham Baker, who have had their own unit, move out after their next picture, 'How to Get a Man.' Harold Lloyd steps out when he finishes his one-picture deal, 'Three Girls and a Gob.' William Hawks, reported to have a 10-picture deal, checks out on completion of his Ronald Colman starrer. David Hempstead will seek other fields when his producer contract expires.

Reshuffle, according to Schaefer, is not an economy wave but a move to direct the studio's finances toward

(Continued on page 20)

TOWNE AND BAKER MAY JOIN UNITED ARTISTS

Murray Silverstone, United Artists chief, disclosed yesterday (Tuesday) that a strong possibility exists that Gene Towne and Graham Baker's indie production unit will pact with UA. Silverstone said that negotiations are by no means in the contract-signing stage yet, but if T. & B. were leaving RKO under amicable circumstances (so that UA could not possibly be conceived as sniping them away), it appeared that an agreement could be reached.

Discussions, Silverstone said, will take place when he arrives on the Coast. He leaves by train next Thursday (7) with Charles Schwartz, UA attorney.

New N.Y. Theatre Pact With Engineers Union

Signatures have been affixed to a two-year contract negotiated between the Greater New York theatres and the International Union of Operating Engineers, Local 30.

It is retroactive to July 1 last and calls for a scale of \$53.75 until March, 1941, while for the period extending from then until March 31, 1943, the scale will be \$55. Men have been getting \$52.50 per week.

Under the new contract, providing for a maximum of 40 hours, the engineers will receive a week's vacation each year with pay. All large downtown houses, which employ three or more engineers, and neighborhoods, which have one or two, are affected.

Backtrack on the policy of having a large quantity of RKO's product made by indie producers is seen in prez George Schaefer's heavy axe-swinging on the Coast during the past 10 days. Largest major outlet for unit product, outside of United Artists, RKO is now understood to be convinced that for assurance of quality pictures and delivery when promised, there's nothing quite like direct studio control.

Failure of a number of RKO's indies to come through last season scheduled, which has complicated the selling problem for 1940-41, has made Schaefer and other RKO execs dissatisfied with the setup. They feel that it does not reflect well on the company when promised pictures are not delivered. Among the offenders on this score was Harold Lloyd, who will leave the lot after completion of his one-picture deal for 'Three Girls and a Gob.' Pic, promised in the middle of last season, is only now before the cameras.

Departure of the William Hawks-Ronald Colman United Producers' unit, after completion of only one of the 10 pictures it was to make under a three-year agreement, is said to result from a brush between Hawks and studio execs. It was announced and fully publicized that the initial picture would be 'The Swan,' after which the studio learned that Hawks and Colman had never actually acquired the screen rights and now cannot obtain them, necessitating the substitution of 'Palm Beach Limited.'

Up Lee Marcus

Another sore spot, it is said, is the fact that the indie production hasn't lived up to expectations. Most of the big money winners for RKO have been medium-budgets, studio-made and it's feared that the indies, unless the quality is excellent, will deteriorate the company's reputation. Move is reported whereby Lee Marcus, who has long been chief of the studio's lesser production, will be given bigger budgets and more pix to make to compensate for departure of the indies, more of whom will go as their pacts expire.

Long-removed and no surprise to those in the know in the industry would be the departure of Harry Edington, RKO's production topper, who's been with the company less than a year. Big things which home office toppers expected of him have not materialized, they say, and could leave if an amicable agreement on his contract could be arranged. Departure of Ben Piazza, RKO talent chief, whose association with the studio came almost simultaneously with the naming of Edington, is foreseen as a possible step in the direction of strengthening the production personnel come what may. With plenty of financial problems growing out of the long years in court still dogging him—although he had no part in causing them, having come to RKO long after the bankruptcy started—Schaefer is determined to get the studio working at peak efficiency.

Sounds Like Flag-Waver

Hollywood, Oct. 29.

'A Flagpole Needs a Flag' started today (Tues.) as the first of eight pictures to go into production by Nov. 20, by order of M. J. Siegel, Republic's president.

Second to go is 'Bowery Boy,' to be followed by 'Lone Star Riders,' 'Wyoming Wildcat,' 'Robin Hood of the Pecos,' 'Gangs of Kansas City,' and an untitled Gene Autry to start Nov. 20.

H'wood Junket-Minded for Its Big Pix; All Hop on Einfeld's Bandwagon

Hollywood, Oct. 29. The star-studded out-of-town premiere, a Warners innovation that has gradually enveloped the whole film business, is here to stay. While the talker moguls are fully aware of the swollen grosses piled up by features given flash unveilings in the hinterlands, there is something more than immediate financial benefits generating their enthusiasm for these affairs.

Shipment of a new picture to some distant point for its initial screening, with accompanying persons by a bevy of playmen thrown in for good measure, is now looked upon by company heads as a proven method of building general industry good will. Then, too, they see in these affairs the most effective means yet developed for breaking down the sales resistance of those 32,000,000 turnstile-dodgers Dr. George Gallup uncovered while he was making his nationwide survey of the dualer situation.

Costs of the away-from-Hollywood preems are inconsequential, insofar as the production companies are concerned, except those cases where an attempt made to round up the press of the country for participation in the events. Bulk of the general expense is borne by the theatre or theatres sharing in the initial screening and the civic organizations in the towns selected.

Blame It on Weaverville. While pictures had been opened in cities other than Hollywood and New York previous to Jan. 18, 1938, when Warners' S. Charles Einfeld undertook to give the ghost town of Weaverville, Calif., which has neither a picture house nor a hotel, a preem of 'Gold Is Where You Find It,' it was the Weaverville junket that is responsible for the current trend. Einfeld really set the fad, however, with '42nd Street.'

Einfeld bundled up players, newspaper and radio folks, transported them to the northern village via train and bus, and showed the natives what motion picture stars looked like in the flesh. The junket set Warners back \$5,000, but won a nationwide bally for the production. It was necessary to take along projection equipment for screening 'Gold' in the town hall, which hadn't been occupied for years, while special phone lines were strung for miles to give the ether chatters an outlet.

Trek made the boss flacks of Warners rivals sit up and take notice, but it wasn't until Einfeld staged the trip to Dodge City, Kan., April 1, 1939, for the preem of 'Dodge City' that the rest of Hollywood decided that maybe he had something in these exploitation stunts. Quick to hop on the bandwagon after that were Paramount and Republic, with Metro, 20th-Fox, RKO and United Artists' indie producers following behind. Now Universal, Columbia and Monogram are joining the parade.

While Warners was nicked for little on the Weaverville stunt, the benefits were sufficient for Einfeld to get an okay from his superiors on a \$75,000 budget for the Dodge City affair. He was allotted \$85,000 for the Virginia City-Reno celebration in behalf of 'Virginia City.' The same outfit's 'Knutie Rocke-All American' shindig in South Bend last Oct. 4 ran up a bill of \$35,000.

Rep's 65¢ for 'Command' Next biggest spender was Republic, which put \$65,000 on the line for its 'Dark Command' preem in Lawrence, Kans., April 4, 1940, at which it gathered newspaper and radio folks from all parts of the country. While Par gave the flash treatment to several pictures, its outlays were small in comparison to those of Warners and Rep, ranging anywhere from \$3,000 to \$10,000. 20th-Fox shot \$15,000 on its joint preems for 'Lillian Russell' in Pittsburgh and Clinton, Ia., while the cost of its invasion of Salt Lake City for 'Brigham Young' hit the \$10,000 mark. 'Edward G. Robinson' (UFA) invested \$12,000 in its Denver celebration for 'Kit Carson.'

The outlay for Par's Regina, Sask., and Chicago preems for 'North West Mounted Police' last week was less than \$12,000.

Warners estimates that its purse-dipping for the Dodge City and Virginia City-Reno trips upped the final grosses on those two films by \$500,000 each.

Uses Plane Wedding To Bally '3d Finger'

Seattle, Oct. 29. An airplane wedding was solemnized as publicity buildup for "Third Finger, Left Hand" (M-G), currently at the Fifth Avenue (Hamrick-Evergreen), by Vic Gauntlett and Eddie Rivers, the two p.a. sharpshooters for the circuit. Judge Lawler of the superior court went aloft in the airliner and local florists did the plane with flowers, just like a church or home wedding, while a local hotel man gave the newlyweds a bridal party dinner. Advertising angle, of course, was stressed at every purr of the motor.

Jewelry store tieups on wedding rings, using window displays and advertising, also were arranged.

REGINA WHOOPS IT UP FOR 'MOUNTED' PREEM

Regina, Sask., Oct. 29. This staid old burg let down its hair for three days (19-21) to put over the world debut of Cecil B. De Mille's "Northwest Mounted Police." It was Canada's first world preem.

Town got its first real closeup of dyes-in-the-wool film actors when a Hollywood contingent consisting of William H. Pine, associate producer, Madeline Carroll, Preston Foster, Robert Preston and Lynne Overman arrived for personal appearances.

Event was planned during the five preceding weeks by George Fraser and J. Maxwell Joice, Paramount publicity men from New York, in cooperation with Larry M. Grabum, manager of the Capitol theatre and members of the Regina Board of Trade.

Premiere weekend saw theatres made over to resemble huge log forts, false fronts on stores, store window tieups, plenty of flags and bunting displayed and even an Indian encampment pitched on a vacant lot in the heart of the business section. Local radio stations CKCK and CJRM gave the event plenty of advance publicity and the Regina Leader-Post cooperated with art, lots of type and even a 40-page picture supplement dealing with the history of the Mounted Police from early days to the present.

Flanked by a Mounted Police escort during their stay in Regina, the stars put in a busy three days of receptions, broadcasts, visits to notable spots and publicity stunts. At every stop, they were mobbed by thousands of wellwishers who repeatedly broke police lines. Night of the preem saw members of the RCMP, the air force and the army join with the city police to help restrain the mobs surrounding the four theatres, Capitol, Rex, Grand and Met, where the stars were making personal appearances.

20th-Fox 'Zorro' Gets Dual Teeoff in Cincy

Cincinnati, Oct. 29. For its world premiere here Friday (1) there will be simultaneous showings of 'Mark of Zorro' (20th-Fox) at the RKO Albee and Shubert, with personal appearances of native Tyrone Power, his mother and his wife, Annabella, and Kate Smith at both theatres that night. The same night Power will guest on Smith's 8 p.m. broadcast on the eastern half of CBS stations for General Foods' Grape Nuts, with a midnight repeat to western outlets. Airings will originate in the indie, 2,500-seat Emery auditorium.

After the first day, 'Zorro' screenings will be confined to the Albee.

RAMPARTS' BALLY

Rochester, N. Y., Oct. 29. Nine Rochester Schine houses played up the Sunday launching of Ramparts We Watch, day-and-date in all houses, stressing inclusion of 'Baptism by Fire,' Nazi blitz in Poland.

All nine lobbies were dressed up with sandbags and signs, 'Let's keep sandbag shelters from our shores.'

Bergman's Successor At Columbia Very Indef

Powers-that-be at Columbia are keeping their thoughts—if any—as to a successor to Maurice Bergman as pub-ad head under wraps. There's been little speculation, the only thing appearing fairly positive being that the job will not be filled by a promotion from within the organization. Bergman starts at 20th-Fox Nov. 1 as Archie Reeve's successor under Charles McCarthy.

Most likely, it is thought, Col will bring in a comparative stranger to the distribution field or an assistant at one of the other companies. Job isn't big enough to attract pub-ad head from any other major, as it is more-or-less a nominal position. Nate Spingold being the actual chief of the department. Close to the throne room at Col, Spingold's position with the company bears nothing but the nebulous tag 'executive.'

Par's Search For Pix Ideas; Contests Among Eastern Org.

Seeking production ideas from its employees which might be of value to the studio, Paramount is doling out a total of \$730 in the first of a series of probable periodical contests for which eligibles include all the personnel of the home office, also that of the Paramount theatre, N. Y., and the Netco Theatres circuit, upstate, N. Y., subsidiary of the company, with the exception of top executives.

In each of the three units separate prize awards are made, while for a grand prize of \$100, the competition is among the 'firsts' of the three groups contesting. In the initial search for ideas, which may bear in any manner on production and entail suggestions, recommendations, etc., the Adams Bros. Newark and Paterson circuit was also eligible but no prizes were awarded to employees of this group.

Following careful sifting of the ideas submitted, by main home office and several sub-committees, the awards of \$730 were revealed Friday night (25) at the annual dinner-dance of the Paramount organization. Winning ideas, which became the property of Par, are not being revealed because then they might be lifted by competitor companies.

In the contest just ended, the grand prize of \$100 went to Paula Seligman of the Artists Booking Office where she is private secretary to Harry Kalcheim.

First prize of \$50 for the home office group as a unit was awarded to Miss Seligman, while Charles Brouda of the legal department, second in this division, received \$25. Additionally there are 60 separate prizes of \$5 each. A representative number of these were won by persons in accounting or sales.

For the N. Y. Par the top award of \$50 went to Jack Biensstock, while coming in second was Joseph Kaplan 25. There were 10 additional \$5 prizes for the theatre bunch.

A total of 13 ideas submitted by members of the Netco circuit were rated as worthy of pay. Mildred Davis of the State, Poughkeepsie, ran first for \$50. Toni De Felice of the Bardavon Poughkeepsie, placing for \$25. There were 11 additional prizes of \$5 each.

This year's annual Par dinner-dance, put on under the auspices of the Par Pep Club, was attended by more than 700 Par employees, plus a few outsiders. A cocktail party, hosted by Barney Balaban, preceded the dinner. Balaban was unable to attend the dinner for the first time since becoming Par's president, however.

Entertainment, arranged by Bob Weitman, Dick Engel and Ted Schneider, included the Tommy Reynolds band, Frances Langford, Jon Hall, Romo, Vincent and Ralph Young.

Using Draft as Hypo

Philadelphia, Oct. 29. From now until they are conscripted, all men between 21 and 35 who produce their registration card and 25¢ get two admissions for themselves and a girl friend at Charles Goldfine's Alden, in East Falls.

The stunt is attracting wide attention. The draft card admissions are only good on Monday and Tuesdays, ordinarily off-nights at the house.

What Country Needs Is Good Laugh, So H'wood P.A.'s Dish Up the Gags

By BOB MOAK
Hollywood, Oct. 29.

Film exploitation, at least that part of it generated within the confines of studio flackeries, is pointing backward to the level where it started years ago—screwball stuff. Reason behind this sudden dip into the past is the cry of newspaper editors for Hollywood yarns in a lighter vein that will offset the drabness of the news pouring in from the theatres of war.

Los Angeles and Hollywood dailies, the wire news associations, Coast offices of the fan mags and radio chatters, are hungry for anything that will provide a laugh for readers and listeners. Such things as 20th-Fox accomplished in planting John Barrymore's profile alongside the footprints of the other greats in the forecourt of Grauman's Chinese theatre as a bally stunt for 'The Great Profile,' Warners' pigeons, shipped from New York to the nation's editors bearing 'A Dispatch From Reuters,' and Paramount's transportation via chartered plane of beetles from the Virginia hills in Hollywood to 'match up' location shot sounds with those made at the studio for 'Virginia,' are all pre-sold for countrywide press and other coverage. And in addition to all the printer's ink and broadcast wordage heaped upon them, the exploiters have the title of the picture, which is all important in any publicity campaign, usually tied up in a manner that insures it remaining there until it reaches the ultimate consumer, the prospective theatre-goer.

Few ideas perpetrated in the last decade have garnered as much free space, with both stories and art, as did the importation of 'Big Boy,' the Borden cow, by RKO for use in 'Little Men.' Nice part of the undertaking too, was that it did not cost the George Schaefer outfit one penny beyond the salaries of the publicity men assigned to handle the undertaking.

Cow Kicks Over the Script

From the moment it was announced that Elsie, then on display at the New York World's Fair, would be shipped west in a private auto, all at Borden's expense, the daily press, wire services, fan and photo books and other spicers kept up a steady barrage. Even before Elsie reached Hollywood the publicity had rolled into such huge proportions that Gene Towne and Graham Baker, producing the feature, did a rewrite of the bovine role to give the Borden prize-winner a more important screen break.

RKO blubbers played the whole thing straight, leaving the humorous side to the scribblers, who were quick to size up its possibilities. Elsie was met at the station with welcoming rites as dignified as any that might have been showered upon a reigning queen, was loaded into an auto and led a parade to the Ambassador hotel here, where a luncheon was tendered in her honor. She was given a dressing room at the studio that would have satisfied Garbo. She was squired to the niteries by none other than producer Towne himself.

Then, just as the Elsie to-do was petering out, Elsie herself came to the rescue. She gave birth to a calf, and the whole drive flamed anew.

Nor did RKO lag on its Hollywood preem for George Abbott's celluloid version of 'Too Many Girls,' for which it erected bleachers on either side of the Pantheons' entrance, installing in one set some 40 U.C.L.A. and U.S.C. co-eds, in the other, a band. As members of the press struggled they were greeted by both cheers and music. The topper, however, came when 10 college Johnnies, riding in an ancient and dilapidated flivver, pulled up to the curb in front of the theatre by pre-arrangement with RKO fixers, and got themselves pitched for blocking good reading locally, that exhibits in the larger cities duplicated the stunt for their own openings of 'Too Many Girls.'

Paramount had all of Michigan, and a goodly share of the balance of U.S. laughing when it planned a so-called haunted mattress room Emporia, Kan., to Detroit for the world premiere of the Bob Hope starrer, 'Ghost Breakers,' then induced Hope to sleep on the thing.

It was Par's bright boys, too, who rounded up that Indian in Regina several weeks ago, tagged him

'Standing Room Only,' and put him on the Regina radio, night previous to the initial screening there of 'North West Mounted Police.' The same crowd also developed the 'North West Mounted Police' cocktail—take a sip and get your man—which was featured in Chicago bars for nearly a month before the premiere of the De Mille feature in the Windy City.

Metro rounded up a successful campaign on '20 Mile Team,' the Wallace Beery starrer filmed in Death Valley, when it uncovered Shoshone Johnny, whose age is somewhere beyond the 100-year mark, and who had never been outside the tribal reservation in Death Valley. Brought to town a few days before the preview of '20 Mile Team,' Johnny was housed in a tape on the Metro back lot, where an early comer among the newshounds asked him how he accounted for his extended span of life. He said it was because he had never taken a bath.

Metro flacks went to town on his words, and the newspapers and mags followed suit. To further build the idea, Metro roped off a whole section of the theatre at the press screening to give Johnny plenty of air.

Hal Roach got a far better break than his blurb experts figured on for 'Topper Takes a Trip,' when they sent out letters written on perfumed stationery in a feminine hand to the treasurers of L.A. males a few days before the opening of the picture at Loew's State theatre. Missives, bearing the signature of 'Marion Kirby,' 'Topper' character, asked the recipient, to meet the writer on Loew's corner. The stunt brought added business to the theatre, but it also resulted in a \$50,000 court action that carried the tale across the nation just at a time when the offering was going into general release.

There happened to be Marion Kirby in Los Angeles, and she got hold of one of the letters. The court, however, ruled in favor of Roach.

JOE ROSENFELD VICE FRED DANZ IN STERLING

Seattle, Oct. 29. Joe Rosenfeld has joined the Sterling Chain (John Danz) as supervisor of its 20 houses, all but two being in Seattle. The two are in The Dallas, Ore. Eight of the others are downtowners with Palomar, Roosevelt and Winter Garden the leaders.

Rosenfeld succeeds Fred Danz, who stays on as his assistant.

Rosenfeld was city manager for Public in Kansas City prior to coming west five years ago. Since coming to the Northwest he was with Evergreen Theatres (Skouras) in Spokane, as city manager, and also manager of the Orpheum here for Hamrick-Evergreen.

'Bagdad' to Open in 360 Spots Simultaneously

Roadshow policy has been dropped on Alexander Korda's 'Thief of Bagdad' in favor of simultaneous preems of the picture on Christmas day in 360 spots. Dec. 25 has been set national release date.

Korda's order for 360 prints is one of the highest ever given for a Technicolor picture. Usual number is 250 to 275. Black and whites cost about \$125, while each tint print runs almost \$500. In addition, 100 prints are being made for Great Britain. Picture will play the Music Hall, N. Y.

Nazis Explain How

Buenos Aires, Oct. 29. Showing how they beat the British blockade with films intended for South America, UFA has set up a window display at the Cinecine, one of the few houses openly boasting Nazi reels.

Spools, wrapped in wooden boxes, go from Berlin to Rome, then across to northern Africa, over the Atlantic to Bahia, Brazil, on to Rio and then here. All are routed over Deutsche Luft Hansa, Nazi airline, and are addressed to the Banco Aleman Transatlantico (German Transatlantic Bank), Buenos Aires. Standard-size film is used.

'Mounted'-Grable-Murray, \$46,000, Chi's Big Noise; 'Flames'-Wyoming' Good 11G, 'Gold'-McCoy Orch, 17G

Chicago, Oct. 29. (Best Exploitation: Chi, State-Lake) —Big moment of the week was the exploitation getaway Thursday night (24) of 'North West Mounted Police' in a double premiere at the Chicago State-Lake at \$11,000. B. & K. press department, aided by the newspapers and the State Street Council, turned in an excellent job of handling the local publicity.

Chicago Herald-American went into the stunt with both feet. Not only cooperated with B. & K. and Paramount, but also gave plenty of help to the influential State Street Council, which, for the first time in its history, tied in with a local exploitation stunt. Ann Marsters, special film feature writer for the H-A, was all over the place and came up with some excellent coverage.

Roosevelt has a double feature currently, twinning 'Flamingo' and 'World in Flames' and selling the second item hard as the picture which was banned in Philadelphia. Getting business.

Third money item of the week is 'Spring Parade', getting a good play at the Palace. On the stages are the Clyde McCoy band at the State-Lake, Tiny Hill's orch at the Oriental, and Betty Grable and Ken Murray at the Chicago.

'Yesterday's Heroes' (20th), closed second stanza to mild \$3,000. Paramount (Hamrick-Evergreen) (3,000; 35-40-50) —'North West Mounted' (Par). Winning big \$5,400. Last week, 'Knute Rockne' (WB) and 'Young People' (20th), hearty \$5,600.

United Artists (Parker) (1,000; 35-40-50) —'Third Finger' (M-G) and 'Haunted House' (M-G). In line for strong \$5,000. Last week, 'Strike Up Band' (M-G) and 'Sky Murder' (M-G), second week, okay \$3,600.

'DICTATOR,' 17½G PANNED BY PITTCRUX

Pittsburgh, Oct. 29. (Best Exploitation: Warner) —Biz continues spotty and unusually warm weather for this time of the year can take some of the blame. Where takings are good, they're just fair; where they're poor, they're awful. In point of coin, 'Great Dictator', of course, is topping the town, but it's not coming close to expectations, and combination of pans from the crux and \$1.10 top, without reserved seat-policy town usually gets at that scale, believed to be the reason.

'Spring Parade' is giving Fulton its best biz since house reopened in August after two-month shutdown, and holds easily for another week, while 'Third Finger, Left Hand', at Penn, is only other winner. 'Down Argentine Way' slipping sharply in Alvin on second week, but will move to Senator for third, nevertheless, while 'Wyoming' is doing just so-so at Stanley. Senator dying with weaker twinner, and Ritz merely getting by with 'They Knew What They Wanted' on h.o. from Penn.

'Great Dictator' got the works on exploitation, including dress-up, reserved-seat premiere Friday (25), followed by reviews panning, 'Kit Carson' and no name stage bill as little more than name, calibre western.

Ton angle is fact that two big Loew's spots both are playing westerns, 'Carson' at Capitol and hold-over of 'Westerner' at Palace. There may be enough downtown trade for one shoot-up, but never two at once. 'Strike Up the Band', now at Columbia after week each at Palace and Capitol, is only pic ever to play all three local houses.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50) —'Argentine Way' (20th) (2d wk). Dropping way below par for h.o. and will hardly grab more than \$4,800, after swell \$11,000 opener. 'Kit Carson' (UA) opens tomorrow (Wed.). Last week, 'Pastor Hall' (UA), slipped sharply in second week to \$2,800, after getting great \$6,800 for opening.

Fulton (Shea-Hyde) (1,700; 25-40) —'Spring Parade' (U). This Durbin, like all the others, is set for big coin. At around \$6,000, the biggest week house has had since reopening in August. Last week, 'Pastor Hall' (UA), slipped sharply in second week to \$2,800, after getting great \$6,800 for opening.

Penn (Loew's UA) (3,300; 25-35-50) —'Third Finger' (M-G). Another indication that they want to laugh these days. Heading for \$14,500 at least, and that should win Loy-Doughlas starrer h.o. at Ritz. Last week, 'Knew What Wanted' (RKO), around \$13,000, with help from one-day p.a. of Charles Laughton.

Ritz (WB) (800; 25-35-50) —'What Wanted' (RKO). Moveover from Penn doing well enough for this small seater at \$2,700. Last week, 'Strike Up Band' (M-G), very good \$3,100 after big fortnight at Penn.

Senator (Harris) (1,750; 25-40) —'Morning Hand' (U) and 'Yesterday's Heroes' (20th). House staff could have stayed in bed for all this twinner will do. Getting no attention at all and will be extinction at the end of the week with \$1,100, awful. Last week, 'Hired Wife' (U), all right at \$2,100 on heels of two weeks at Alvin.

Stanley (WB) (3,600; 25-35-50) —'Wyoming' (WB). Not a word to do anything at this big-seater on its own. Hardly \$10,000 in sight. Last week, second, of 'Knute Rockne' (WB), fell away sharply to \$9,500 after \$21,000 get-away.

Warner (WB) (2,000; 75-110) —'Great Dictator' (UA). Chaplin film opened Friday night (25) at reserved-seat premiere to capacity and over weekend, grabbed around \$9,000. That's good, but nothing like capacity and expectations warranted. Crux without exception no like. On first-week maybe \$17,500, not much less, but \$20,000. Policy isn't helping, that \$1.10 being too steep locally for grind sans reserved seats. Last week, 'Haunted Honeymoon' (M-G) and 'Comin' Round Mountain' (Par), under \$4,000.

First Runs on Broadway (Subject to Change)

Week of Oct. 31
Astor—'Great Dictator' (UA) (3d wk).
Capitol—'Great Dictator' (UA) (3d wk).
Criterion—'Haunted Honeymoon' (M-G) (30).
(Reviewed in VARIETY, Aug. 7)
Globe—'East of the River' (WB) (2d wk).
Music Hall—'Escape' (M-G).
(Reviewed in Current Issue)
Paramount—'Arise, My Love' (Par) (3d wk).
Rialto—'Mexican Spitfire Out West' (RKO) (29).
(Reviewed in Current Issue)
Rivoli—'Long Voyage Home' (UA) (4th wk).
Roxy—'Mark of Zorro' (20th) (2).
Strand—'Knute Rockne—All American' (WB) (3d wk).

Week of Nov. 7
Astor—'Great Dictator' (UA) (4th wk).
Capitol—'Great Dictator' (UA) (4th wk).
Criterion—'Golden Fleeing' (M-G) (6).
(Reviewed in VARIETY, Aug. 21)
Globe—'Night Train' (20th) (9).
(Reviewed in Current Issue)
Music Hall—'Escape' (M-G) (2d wk).
Paramount—'North West Mounted Police' (Par) (6).
(Reviewed in VARIETY, Oct. 23)
Rialto—'Cherokee Strip' (Par) (5).
Rivoli—'Christmas in July' (RKO) (3).
Roxy—'Mark of Zorro' (20th) (2d wk).
Strand—'Tugboat Annie Sails Again' (WB) (8).

Washington, Oct. 29. Only two new bills this week both at vaude spots. One is mopping up, 'Christmas in July' and the Jimmy Dorsey orch having opened to broadside of praise from critics. The other, dying reviews panning, 'Kit Carson' and no name stage bill as little more than name, calibre western.

Ton angle is fact that two big Loew's spots both are playing westerns, 'Carson' at Capitol and hold-over of 'Westerner' at Palace. There may be enough downtown trade for one shoot-up, but never two at once. 'Strike Up the Band', now at Columbia after week each at Palace and Capitol, is only pic ever to play all three local houses.

Xmas-J. Dorsey Orch Big \$20,000 To Lead Wash.

Estimates for This Week
Capitol (Loew) (4,344; 28-39-55-66) —'Kit Carson' (UA) and vaude, it's all up to the pic, which won't better dismal \$12,000. Last week, 'Dulcy' (M-G) and vaude, light \$13,500.

Columbia (Loew) (1,234; 23-44) —'Strike Up Band' (M-G) (3d run). Moved in after week at Capitol and week at Palace and will see adequate \$4,000. Last week, 'World Flaming' (Par), light \$3,200.

Earle (WB) (2,216; 28-39-44-66) —'Christmas in July' (Par) and Jimmy Dorsey orch. Pic getting swell notes and word of mouth, and Dorsey band getting the bugs for swell \$20,000. Last week, 'City Conquest' (WB) and Buck and Bubbles, Mario and Florida slid slightly to \$15,500.

Keith's (RKO) (1,830; 39-55) —'Knew What Wanted' (RKO) (2d wk). Holding to good \$8,000. Last week, nice \$12,000.

Met (WB) (1,600; 28-44) —'Knute Rockne' (WB) (2d run). Back downtown after good week at Earle and will hit strong \$6,500. Last week, 'No Time Comedy' (WB) (2d run), nice \$6,300.

Palace (Loew) (2,242; 39-55) —'Westerner' (UA) (2d wk). Staying for ok \$8,000. Last week, average \$14,000.

Keith's (RKO) (1,830; 39-55) —'Knew What Wanted' (RKO) (2d wk). Holding to good \$8,000. Last week, nice \$12,000.

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B'way OK Despite Electioneering: Chaplin In 2 Houses Sock \$94,000, 'Arise' 2d, Strong 46G, Gary Mild 72G

(Best Exploitation: Music Hall) —The World's Fair closed Sunday (27), playing to \$38,000, biggest day the expo has had during its two-year run. On Saturday (26) a total of \$65,000 was clocked, thus making the attendance of the weekend over 900,000. With plenty of out-of-towners on hand for the Flushing Meadows blowoff, the downtown New York theatres did a land-office weekend business, but on Tuesday the pace has not been up to expectations. This no doubt is due to the election fever. Biz generally was hit last Wednesday (22) when Roosevelt, Willkie and Al Smith were on the air. Monday was also below normal. Drawing of draft numbers yesterday (Tues.) was no help, either.

All the theatres are preparing to go after as much of the election day crowds next Tuesday (5) as they can get, with returns to be given out as frequently from stages or screens as obtainable. While Times Square is expected to be jammed as never before, the theatres do not believe they will play so such large crowds. They'll probably be on the streets in bars which have radios, or at home.

'Dictator' moves into its third week today (Wed.) at the grand Capitol and the \$2 twice-daily Astor. At latter it continues at virtual capacity, but at the Cap it has dropped more than \$25,000.

The first full week at the Cap fell a little short of topping the all-time high of \$105,000, established by an old Garbo picture. Gross was \$104,000, while for the second standing last night another \$75,000 is clocked. This is still very socko business, but indicated that the run may be curtailed with a view to sending the Chaplin film into other dates in the N. Y. region.

Initial week at the Astor, where 16 shows are being given, all seats reserved, the take was \$23,000, which is over capacity. Theatre did considerable standing room, the first week. For the six days of the second week, through Monday (28), the gate showed \$18,000.

'Westerner' goes out of the Music Hall tonight (Wed.) after only one week. It's a disappointment at \$72,000, in spite of all the advance fanfare, which was given at F. V. Worth, and other bally efforts extended. House moves in 'Escape' tomorrow (Thurs.).

A rousing gross is being run up at the Capitol, which has foreign Correspondent's second run, and the Luella Parsons unit. It looks like a big \$35,000, or a bit better, on the week. Paramount's special, 'World in Flames', is at the Criterion, failed to turn in strong results, but is good at \$9,000 on the week ending last night (Tues.). Among other things, it opened on Broadway against fierce competition.

'Arise, My Love' goes a third week at the Par, starting today (Wed.). It is getting a very sturdy play, aided by a stage show including Frances Langford-Jon Hall and the Tommy Reynolds band. Getting a smash \$58,000 the first week, it pounded past the wire last night (Tues.). For the second week, for rollicking \$46,000, tremendous profit on the 14 days so far played. A sneak preview of 'Second Chorus' was thrown last night, but the name of the film was not advertised.

'Down Argentine Way' and 'Knute Rockne', both on second weeks, are capably withstanding the competition they face. 'Way' is doing \$30,000 at the Roxy, following very substantial first seven days of \$45,000, while 'Rockne' looks about the same. The football film, with the Woody Herman orch on the Strand stage, hit close to \$44,000 the first week. Remains a third stanza.

Roxy is holding 'Way' an extra two days, with 'Mark of Zorro' to open Saturday (2). This deferment is due to the world preming of the picture in Cincinnati Friday (1).

Estimates for This Week
Astor (Loew) (75-85-110-115-120) —'Dictator' (UA) (3d wk). Running virtual capacity, the first six days of the second week through Monday (28) having been \$19,000. Last week, \$14,000.

Capitol (4,320; 75-110) —'Dictator' (UA) (3d wk). On second lap ending last night (Tues.) off about 25% to \$75,000, but big profit. First seven days was a smash \$104,000, within a stone's throw of the \$105,000 all-time high of the theatre established in better times with an old Garbo picture.

Criterion (1,662; 28-44-55-65) —'World in Flames' (Par). Competition on Broadway very keen, but much over house average at \$9,000 on the week ending last night (Tues.). But not being held. 'Haunted Honeymoon' (MG) opens today. 'Quarterback' (Par) got close to \$7,000, o.k.

Globe (1,180; 28-35-55) —'East of the River' (WB). Meller may get

\$10,000, fine, and will hold. Last week, 'Cabin Cautious' (UA), \$7,000, all right.

Palace (1,700; 28-35-55) —'No Time For Comedy' (WB) (2d run). 'Gay Caballero' (20th) (1st run), dual. This team straining the dress for a possible \$7,600, mild. Last week's twin, 'Bright Young People' (20th) (2d run) and 'Great Profile' (20th) (1st run) \$3,200.

Paramount (3,000; 35-55-85-99) —'Arise, My Love' (Par) and, on stage Frances Langford, Jon Hall, Tommy Reynolds (3d final week). Profits are piling up fast and high here, second week being \$48,000, the first a sockful \$58,000. Concluding round begins today (Wed.), with 'North West Mounted' (Par) and Glen Gary scheduled for Nov. 6.

Radio City Music Hall (5,960; 44-55-85-99-115) —'Westerner' (UA) and stage show. Town doesn't want westerns, as again evidenced by light play given the Sam Goldwyn picture; only about \$72,000 will be all. 'Escape' (M-G), bought sometime ago, opens tomorrow (Thurs.). The second week of 'They Knew What They Wanted' (RKO) represented a pretty sharp dip, gross being \$66,000 as against first week's \$85,000.

Rialto (750; 24-44-55) —'Meet the Wildcat' (U) finished its week Monday night (28) at okay \$6,000 and Mexican Spitfire Out West' (RKO) was brought in yesterday (Tues.). 'So You Won't Talk' (Col) was \$3,200.

Rivoli (2,092; 35-55-75-99) —'Long Voyage' (UA) (4th final week). At \$15,000 on the third lap ended last night (Tues.) not big stuff, but o.k., following second week's take of \$20,000. 'Christmas in July' (Par) is next opening Tuesday (5).

Roxy (5,835; 35-55-75) —'Argentine Way' (20th) and stage show (2d week). Holding its own satisfactorily considering everything. Over \$30,000 on the holdover and will remain two extra days, 'Mark of Zorro' (20th) to open Saturday (2). First week was \$45,000, very good.

State (3,488; 28-35-55-85-99) —'Correspondent' (UA) (2d run) and Luella Parsons unit with Hollywood film players. Going great guns for swell \$35,000, or bit over. Last week, 'Boom Town' (WB) (2d run) and the Benny Davis Revue, close to \$30,000, good.

Strand (2,767; 35-55-75-85-99) —'Rockne' (WB) and Woody Herman orch (2d week). Last week, \$30,000 on the holdover a good net is being shown. First seven days was near \$44,000. Sticks around a third week starting Friday (1).

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'Reuter's' Nice \$4,000 In Healthier Portland

Portland, Ore., Oct. 29. Flock of new films zipping the b.o. up a little from slow last week. A Dispatch From Reuter's getting nice biz for the Orpheum, while 'Third Finger, Left Hand' proving a drawing card at the UA.

Officers and cowboys are rival attractions in 'North West Mounted Police' at Paramount, and 'Wyoming' at Broadway.

Estimates for This Week
Broadway (Parker) (2,000; 35-40-50) —'Wyoming' (M-G) and 'Dr. Kildare' (M-G). Going over nicely to \$5,200. Last week, 'Westerner' (UA) split with 'Dr. Kildare' (M-G), closed second week to good enough \$3,000.

Mayfair (Parker-Evergreen) (1,500; 35-40-50) —'Knute Rockne' (WB) and 'Young People' (20th). Moveover from Paramount looks for nice \$3,300. Last week, 'Foreign Correspondent' (UA) (3rd wk) and 'City Conquest' (WB) (2nd wk) satisfactory \$2,900.

Orpheum (Hamrick-Evergreen) (1,800; 35-40-50) —'Dispatch From Reuter's' (WB) and 'Great Profile' (20th). Heading for okay \$4,000. Last week, 'Argentine Way' (20th) and

Football Peps Mpls.; 'Dulcy' Big 16G Via Glen Gray, 'Argentine' N.G. \$5,000

Minneapolis, Oct. 29.—With the Minnesota-Iowa football game attracting a record 64,000 crowd, including a small army of out-of-towners, theatre grosses are showing some signs of life. The general situation, however, continues very unfavorable, although two of last week's attractions, 'Knute Rockne' and 'No Time for Comedy,' barged through well enough to warrant extension of their bookings.

After hitting the big time in its initial session, 'Rockne' has moved over to the Century, where it's still getting play from the numerous football-minded folks who flock to the \$7,000 ticket for 'No Time for Comedy,' at the Century, caused it to be ensconced at the World for at least one more week.

For the first time in many a moon the town has no less than three stage shows, including the legit roadshow, 'Tobacco Road.' Glen Gray's Casa Loma orchestra and other acts, holding forth at the Orpheum, have the turnstiles clicking nicely. The Alvin comes through with Estelle Taylor. In neither case does the picture show, 'This Man Is News,' mean much to the boxoffice, but the stage shows are sufficient in themselves.

The sole important newcomer is 'Down Argentine Way,' highly acclaimed, but disappointing. Also-rans include 'Rangers of Fortune' and 'The Villain Still Pursued Her.' While the theatre took the play away from the theatres Saturday afternoon, Friday and Saturday nights had all the showhouses, and niteries turning in a show.

Estimates for This Week
Alvin (Hirsch-Katz) (1,400; 28-44-55)—'This Man News' (Par) and stage revue, including Estelle Taylor. Should reach good \$4,000. Last week, 'Melody Moonlight' (Rep) and stage revue, including Little Jackie Heller, \$3,500; mild. Aster (Par-Singer) (2,000; 15-22-39)—'Men from Texas' (Par) and 'Calling Husbands' (WB), dual first runs in five days, with 'Wagon Train' (RKO) and 'Father Prince' (WB) to follow, opening at \$2,000. Looks like pretty good \$1,300 for 'Men from Texas' and 'Wagon Train' (RKO) and 'Father Prince' (WB) to follow, opening at \$2,000. Looks like pretty good \$1,300 for 'Men from Texas' and 'Wagon Train' (RKO) and 'Father Prince' (WB) to follow, opening at \$2,000.

Century (Par-Singer) (1,600; 28-39-44)—'Knute Rockne' (WB) (2d wk). Moved here after big week at State and still looking to get \$2,000 after big \$9,600 first week at the State. Last week, 'No Time for Comedy' (WB), \$5,700, big.

Esquire (Gillman) (2,000; 28)—'Villain Pursued Her' (RKO). Unusual picture and having rather good going despite cast names. Light \$600 indicated. Last week, 'The Ape' (Mono), mild \$700. 'Lester Head' (Indie) out after two light days, \$300.

Gopher (Par-Singer) (998; 28)—'Rangers of Fortune' (Par). Mild \$2,000 in prospect. 'RKO Albee, and 'Young People' (20th), light \$1,300 in five days.

Orpheum (Par-Singer) (2,800; 39-44-55)—'Dulcy' (Glen Gray's orchestra and stage show. Fresh entertainment tips and offsetting lightweight film. Nothing but raves for stage show, and it's responsible for the picture's success. Last week, \$16,000. Last week, 'Return From Jaws' (20th), \$4,600, bad.

State (Par-Singer) (2,300; 28-39-44)—'Argentine Way' (20th). Critics went overboard for this one, but b. light at \$5,000. Last week, 'Knute Rockne' (WB), big \$9,600.

Uptown (Par) (28-39)—'Lucky Partners' (RKO). First neighborhood showing for this one. Climbing to pretty good \$2,400. Last week, 'Rhythm on River' (Par), first neighborhood show, good \$2,800.

World (Par-Singer-Steffes) (850; 28-39-44-55)—'No Time for Comedy' (WB) (2d wk). Moved here from Century. Very good liked and should reach good \$2,000. Last week, 'Howards Virginia' (Col) (2d wk), \$1,500, fair.

WANTED' NIFTY \$20,000 IN B'KLYN; H.O.S. OKAY

Brooklyn, Oct. 29.—Last lap of World's Fair dented downtown delinquents somewhat over the weekend. H.O.S. Albee, and 'Young People' will come out on top with 'They Knew What They Wanted' and 'Slightly Tempted.' Fabian Paramount, in third week with 'City Conquest' and 'Earl of Puddleston,' looks to satisfactory conclusion. Two other houses with h.o.s. are Fabian Fox with 'Howards Virginia' and 'Quartermaster,' and Loew's Metropolitan with 'Foreign Correspondent' and 'We Who Are Young.'

Estimates for This Week
Albee (RKO) (3,274; 25-35-50)—'Knew What They Wanted' (RKO) and 'Slightly Tempted' (U). Nifty \$20,000. Last week, 'Argentine Nights' (U) and 'Chan Wax' (20th), good \$19,000.

Fox (Fabian) (4,039; 25-35-50)—

'Howards Virginia' (Col) and 'Quartermaster' (Par) (2d wk). Nice \$15,500. Last week, 'Splendid \$23,000.'

Met (Loew's) (3,618; 25-35-50)—'Foreign Correspondent' (UA) and 'We Are Young' (M-G) (2d wk). Pleasant \$17,000. Last week, strong \$24,000.

Paramount (Fabian) (4,126; 25-35-50)—'City Conquest' (WB) and 'Earl of Puddleston' (RKO) (3d wk). Okay \$14,500. Last week, good \$19,000.

Strand (WB) (2,870; 25-35-40)—'Comin' Round Mountain' (Rep) and 'Fugitive from Pecos Camp' (Col). Fair \$5,000. Last week, 'Mystery Sea Raider' (Par) and 'Before Hang' (Col), ditto.

**'3D FINGER' OK
\$15,000 IN BUFF.**

Buffalo, Oct. 29.—Turnstiles are quieter on the downtown front this frame.

'Third Finger, Left Hand' is registering the town's top tally and the stage show, at the 20th Century seems to be what the doctor ordered for this spot. 'Brigham Young' is on the black side, but things elsewhere are not especially fancy.

Estimates for This Week
Buffalo (Shea) (3,500; 35-40-60)—'Third Finger' (M-G). Looks to move up to around neat \$15,000. Last week, 'Dulcy' (M-G) and Glen Gray, over dropped sharply after sensational start, winding up with fair \$19,000.

'Great Lakes' (Shea) (3,000; 35-55)—'Dulcy' (M-G) and 'Argentine Way' (20th). Geared for satisfactory \$7,500. Last week, 'City Conquest' (WB) and 'Haunted Moonlight' (M-G), \$9,500, nice.

Hip (Shea) (2,100; 30-40)—'Brigham Young' (20th) and 'Great Profile' (20th). Riding toward about \$8,000. Last week, 'Rockne' (WB) (2d wk) and 'Argentine Way' (20th), trapped less than estimates but got punchy \$8,500.

Lafayette (Hayman) (3,300; 30-40)—'Angels Broadway' (Col) and 'Military Academy' (Col). Geared for \$6,500. Last week, 'Spring Parade' (U) and 'Leather Pushers' (U) (2d wk), nice \$7,000.

20th (Par-Singer-Dipson-Bell) (3,000; 30-40)—'Boys City' (Mono) and 'Hollywood Hotel Revue'. Unit helping toward \$13,000, good. Last week, 'George Jessel' unit fair at same amount.

'FINGER' TOPS SEATTLE, \$8,800, 'ANNIE' SO-SO

Seattle, Oct. 29.—(Best Exploitation—Fifth Avenue) Blue Moose still dark, as policy is being discussed. With the Warner Bros. pix deal between Sterling and Hamrick-Evergreen making the Roosevelt (Sterling) a moviehouse for the big WB's that open first at the Orpheum (H-E), the B. 24 was left out on a limb, as the M. B. is the other moviehouse, and it got the call.

Palomar is creating plenty of excitement over the 'Duffy Auction' with 'Howards Virginia' as the auctioneer, with 'all for fun and fun for all' the slogan.

Best exploitation is airplane wedding for '3d Finger,' which opened at Fifth Avenue. This stunt got plenty of press attention with art.

Estimates for This Week
Cineplex (Hamrick-Evergreen) (1,900; 21-35)—'Rhythm River' (Par) and 'Kit Carson' (UA) (2d run). Fine \$3,500. Last week 'Lucky Partners' (RKO) and 'Round Mountain' (Par) (2d run), very good \$3,300.

Fifth Avenue (Hamrick-Evergreen) (2,349; 30-40-50)—'Third Finger' (M-G) and 'Argentine Way' (20th). Going great guns for \$8,800 in nine days. Chaplin film enters thereafter. Last week 'Argentine Way' (20th) and 'Profile' (20th) (4d wk), six days, nice enough \$4,600.

Music Box (Hamrick-Evergreen) (850; 30-40-50)—'Argentine Way' (20th) and 'Profile' (20th) (3d wk, 2d run). Moving from Fifth Avenue. Aiming for \$3,200 in nine days, okay. Last week 'Strike Up Band' (M-G) (4th wk), big \$2,600, six days.

Liberty (J.-B.) (1,650; 30-40-50)—'Howard' (Col) (2d wk). Good \$4,300 after opening \$5,800.

Orpheum (Hamrick-Evergreen)—

'Rugboat Annie' (WB) and 'Nobody's Sweetheart' (U). Fair \$4,700, but disappointing nevertheless. Last week 'City Conquest' (WB) and 'Slightly Tempted' (U), big \$7,100.

Palomar (Sterling) (1,350; 30-40-50)—'Liberty' (J.-B.) (Rep) and 'Diamond Frontier' (U), plus five acts vaude, and 'Duffy Auction' with

Jerry Ross on stage. Big \$5,000. Last week 'River's End' (WB) and 'Money Woman' (WB), plus vaude, big \$5,300.

Paramount (Hamrick-Evergreen) (3,039; 30-40-50)—'Dulcy' (M-G) and 'Cherokee Strip' (Par). Mild \$4,500. Last week 'Burns' (Par) and 'Sky Murder' (M-G) \$4,900.

Roosevelt (Sterling) (800; 30-40-50)—'City Conquest' (WB). Moved over from Orpheum. Drawing okay \$2,800. Last week 'Rockne' (WB) (2d wk), \$2,800, big.

Winter Garden (Sterling) (800; 18-23)—'Ramparts' (RKO) and 'Gold Rush Marie' (M-G) (2d run). Slow \$1,900. Last week 'Pride Prejudice' (M-G) and 'Sporting Blood' (M-G) (2d run), \$2,300, good.

'HIT PARADE' \$6,800; OMAHA PRETTY WOBBLY

Omaha, Oct. 29.—Pre-election business took a slight dive downtown, excepting at the Brandeis, where 'Hit Parade of 1941' and 'Laddie' will run. Last week, 'Argentine Way' and 'Calling All Husbands' at the Orpheum plus a stage Halloween midnight spook show won't go much over \$5,000. Last week, 'Left Hand' and 'One Million B.C.' at the Omaha, will reach \$9,500, only fair.

Estimates for This Week
Orpheum (Tristates) (3,000; 10-30-40)—'Argentine Way' (20th) and 'Calling Husbands' (WB). Fair \$9,700. Last week 'Spring Parade' (U) and 'Money Woman' (WB) \$10,000, pretty good.

Brandeis (Mort Singer) (1,500; 10-25-35-40)—'Hit Parade' (Rep) and 'Laddie' (RKO). Nifty \$6,800. Last week, 'Knew What They Wanted' (RKO) and 'Ladies Love' (WB), good \$6,500.

Omaha (Tristates) (2,000; 10-30-40)—'Third Finger' (M-G) and 'Million B.C.' (2d wk). Fair \$5,000. Last week 'Rockne' (WB) (2d wk) and 'River's End' (WB), light \$4,000 for five days.

State (Goldberg) (900; 10-20-25)—'Lucky Partners' (RKO) and 'Stayed Breakfast' (Col) split with 'Barber Fleet Street' (Select), 'Return Frog' (Select) and 'Sporting Blood' (M-G). Around \$1,200, fair.

'About' (UA) and 'Boys Syracuse' (U) split with 'Pride Prejudice' (M-G) and 'We Young' (M-G), fair \$1,100.

Town (Goldberg) (1,500; 10-20-25)—'Texas Skies' (Rep), 'Alias Deacon' (U) and 'Military Academy' (Col), triple, split with 'Millionaires' (RKO) and 'Sandy' (Rep) and 'Heart North' (WB), 'Boys Syracuse' (U) and 'Love Back' (U), fair \$1,100. Last week 'Stage Chorus' (RKO), 'Private Affairs' (U), 'Secret' (Col), 'Valley Forge' (Fair), 'Lawless' (Cap), 'Girl Mexico' (RKO) and 'Dawn Patrol' (WB), and 'Carolina Moon' (Rep) and 'Four Sons' (20th), all light \$1,000, unpromising.

Avenue (M-G)—Dundee (Goldberg) (950-300-60; 25)—'Lucky Partners' (RKO), 'Stayed Breakfast' (Col), split with 'Return Frog' (Select), 'Barber Fleet Street' (Select) and 'Sporting Blood' (M-G). Neat \$1,200. Last week 'Pride Prejudice' (M-G) and 'Boys Syracuse' (U) split with 'Lost Around' (20th) and 'Awful Truth' (Col), good \$1,300.

'MOUNTIES' GREAT 12G AT UPPED PRICES, K. C.

Kansas City, Oct. 29.—Theatre row is considerably brighter this week, with heavy drawing power on nearly every screen. Orpheum took the spotlight early in the week with Charles Laughton's one-act personal picture, 'The Opening of 'They Knew What They Wanted'.

Newman took spotlight rest of week with 'North West Mounted Police.' It's first film in years to come in here with advanced prices, and revised scale increases possibilities about 30%. This will likely bring the house down to \$12,000, unpromising in this 1900-seater. Both Newman and Orpheum film good bets for at least two week each.

Deanna Durbin is bringing good play to the Fox twin-daters making the strong front almost complete. Midland is taking it easy for the time being, but still giving a good account of itself. Tower is also showing an improvement with considerable name value in its film.

Weather unseasonably warm and patrons can scarcely tell any difference between summer and fall.

Estimates for This Week
Esquire and Uptown (Fox Mid-west) (820 and 2,043; 10-28-44)—'Spring Parade' (U). Combo aiming toward nice \$18,500 on nine days. Last week 'Argentine Way' (20th), with six days into second week for good \$4,400.

Midland (Loew's) (4,101; 10-28-44)—'Kildare Home' (M-G) and 'Dulcy' (M-G). Average \$7,700. Last week 'Wyandott' (M-G) and 'Laddie' (RKO), 'Nobody's Sweetheart' (U), acceptable \$9,000.

Newman (Paramount) (1,900; 15-30-55)—'North West Mounted Police' (Par). Waiting for a new line with national release date. Ex-

Election Blah Kills Philly B. O.; Chaplin 28G, 'Parade' Vaude 23½G

Philadelphia, Oct. 29.—Philadelphia are staying away from downtown delinquents this week in droves, apparently preferring to home and listen to the blasts of political oratory over the loud-speakers.

Only picture to withstand the pre-election radio rally is 'The Great Dictator' whose opening coincided with the visit of Play by the President on Wednesday (29). It opened his political campaign. Chaplin's satire on European leaders is sailing to a hefty \$28,000 at inflated prices at the Aldine.

'GIRLS,' \$16,500, FINE IN BOSTON

Boston, Oct. 29.—Good all-around week here, with no prima donnas. 'Too Many Girls' and 'Howards Virginia' are running about even at the Keith Memorial and Orpheum, respectively. Hold-over of 'Knute Rockne' is much at the Albee and Moon Over Burma is okay at the Par and Fenway. Blackstone magic show, penciled in for four days at the RKO Boston, was extended to full week on basis of hefty trade on early days.

Streets of Paris comes into the Boston Thursday (31) fresh from the N. Y. Fair.

Estimates for This Week
Boston (RKO) (3,200; 28-39-44-55)—'Queen Yukon' (Mono) and 'Marked Men' (Prod), dual first runs. 'Moon Over Burma' on stage, running for good \$12,000. Last week, 'The Ape' (Mono) and 'Drums of Desert' (Mono), dual, with stage show topped by Mills Brothers, fouring \$14,000. Last week, 'Blondie Servant' (Col) (both 2d run), double, three days, \$7,000.

Fenway (M&P) (1,332; 28-39-44-55)—'Moon Over Burma' (Par) and 'World Famous' (Par). Good \$7,000. Last week, 'Dispatch Reuters' (WB) and 'Villain Pursued' (RKO), \$5,500.

Keith Memorial (RKO) (2,907; 28-39-44-55)—'Too Many Girls' (RKO). Very good \$16,500 indicated, but not enough for holdover. Last week, holdover of 'Knew What They Wanted' (RKO) and 'Great Profile', nifty \$13,000.

Metropolitan (M&P) (4,367; 28-39-44-55)—'Knute Rockne' (WB) and 'Calling Husbands' (WB) (2d wk). Holdover aiming at very good \$14,000. Initial stanza turned in big \$24,500.

Orpheum (Loew) (2,900; 28-39-44-55)—'Howards Virginia' (Col) and 'Money Woman' (WB). Fair \$16,500. Last week, 'Western' (UA) and 'Glamour Sale' (Col), same.

Paramount (M&P) (1,797; 28-39-44-55)—'Moon Over Burma' (Par) and 'World Famous' (Par). Good \$5,500. Last week, 'Dispatch Reuters' (WB) and 'Villain Pursued' (RKO), \$7,500.

Seoul (M-G) (2,538; 28-39-44-55)—'Moon Over Burma' (Par) and 'Home' (M-G) (both 3d run). Okay \$4,000. Last week, 'Rangers Fortune' (Par) and 'Quarterback' (Par) (both 2d run), \$3,500.

State (Loew) (3,600; 28-39-44-55)—'Howards Virginia' (Col) and 'Dulcy' (M-G). Aiming at \$10,500, okay. Last week, 'Western' (UA) and 'Glamour Sale' (Col) \$10,000.

NW Mounted' Smash \$14,000 In Denver

Denver, Oct. 29.—Best Exploitation: Denham.

'North West Mounted Police,' at Denham, is coping top money. Broke a house record for sides with day and Sunday, opening days of film, and will stay at least three weeks. All first runs are doing well.

Denham's manager, Dave Cockrill, roped off a vacant block, placed miniature figures of 'Mounties' on sticks stuck in the ground, together with many passes on sticks, and after school one day, with the aid of the police, invited children to rush the block and get the prizes. The block was lined off for sides with kids, many of them with parents watching the proceedings.

Estimates for This Week
Aladdin (Fox) (1,400; 25-35-40)—'Argentine Way' (20th), after week at Denver. Nice \$4,500. Last week, 'Western' (UA), \$4,000, after week at Denver.

Broadway (Fox) (1,040; 25-35-40)—'Knew What They Wanted' (RKO) and 'Mexican Spitfire' (RKO), after

(Continued on page 22)

Philadelphia are staying away from downtown delinquents this week in droves, apparently preferring to home and listen to the blasts of political oratory over the loud-speakers.

Only picture to withstand the pre-election radio rally is 'The Great Dictator' whose opening coincided with the visit of Play by the President on Wednesday (29). It opened his political campaign. Chaplin's satire on European leaders is sailing to a hefty \$28,000 at inflated prices at the Aldine.

Other newcomers are faring poorly. 'Third Finger, Left Hand' and 'Hired Wife' and 'Rangers of Fortune' are in the so-so class. 'Hit Parade of 1941' with Gene Krupa's good onstage garnering okay grades, however.

Estimates for This Week

Aldine (WB) (1,303; 75-114)—'Great Dictator' (UA). Plenty of exploitation, publicity and word-of-mouth is sending Chaplin's opus to a sock \$28,000 on an increased price policy. Last week, 'Argentine Way' (Col), fair \$5,000 for four days of its second ride.

Arcadia (Sablowsky) (800; 35-46-57)—'Strike Up Band' (M-G) (3d run). Showing signs of life. Last week, netting and mediocre \$3,500. Last week, five days of 'Great McGinty' (Par) a sad \$2,200 for a third run go.

Boyd (WB) (2,560; 35-46-57-68)—'Third Finger' (M-G). Not up to expectations with \$14,000. Last week, 'Knew What They Wanted' (RKO) yanked after only one week with a sub-par \$14,000. 'Arise, My Love' opens Thursday (30).

Carle (WB) (2,758; 35-46-57-68)—'Hit Parade' (Rep) with Gene Krupa and Ray Bolger on stage. Will hit a neat \$23,500 for the round. Last week, combo of 'Gay Caballero' (20th) and 'Jimmy Dorsey' orch fared slightly better, at even \$24,000.

Fox (WB) (2,423; 35-46-57-68)—'Spring Parade' (U) (2d wk). Singing its way to a nice \$11,000 for dual session. Opener last week drew a hefty \$15,500.

Golden (WB) (1,066; 35-46-57-68)—'Angels Broadway' (Col) (2d run). Sagging along with the rest to pale \$3,800. Last week, initial run of 'Outsider' (Alliance), poor \$3,700.

Keith's (WB) (1,970; 35-46-57-68)—'Argentine Way' (20th) (2d run). Just over the profit margin with \$4,700. Last week's second run showing of 'Knute Rockne' (WB) netted a sweet \$5,800.

Stanley (WB) (2,916; 35-45-57-68)—'Hired Wife' (U). Nothing to rave about. Last week, \$4,400. Last week, 'Argentine Way' (20th) n.s. \$10,300 for second turn. 'Moon Over Burma' (Par) and 'London Can Take It' (WB) bows in tomorrow (Wed).

'Rangers Fortune' (Par). Neat \$5,800. Last week, 'Mummy's Hand' (U), okay \$4,900.

'Mounties' Gallop To Big 12G, Prov.

Providence, Oct. 29.—'Northwest Mounted' is about the biggest thing ever to fall to the lot of the Strand and is standing firm in the aisles despite a slight boost in admish fee. 'Knew What They Wanted' is holding over nicely at Elks Albee, while 'Knute Rockne' is enjoying the downtown west with shift to Carlton for cleanup coin. All in all it looks like a happy session.

Estimates for This Week

Albee (RKO) (2,200; 28-39-50)—'Knew What They Wanted' (RKO) and 'Pop Pays' (RKO) (2d wk). First week overflow still keeping house busy and promising nice \$5,000. Opening session garnered neat \$5,500.

Carlton (Fox-Loew) (1,400; 28-39-50)—'Rockne' (WB) and 'Pier 13' (20th) (3d downtown wk). Still a crowd pleaser and heading for \$4,000. Last week, 'Third Finger' (M-G) and 'Glamour Sale' (Col) (2d run), good \$3,500.

Fay's (Indie) (2,000; 15-28)—'Hell's Angels' (Indie) (rescue) and 'Triple Justice' (RKO). Bill strong enough for good \$4,000. Last week, 'Texas Skies' (Rep) and 'Night Train' (20th), fair \$3,500.

Magister (Fox) (2,200; 28-39-50)—'Argentine Way' (20th) and 'Great Profile' (20th). Swell \$8,000. Last week, 'Rockne' (WB) and 'Pier 13' (20th) (2d wk) had powerhouse \$11,000.

State (Loew) (3,200; 28-39-50)—'Kildare Goes Home' (M-G) and 'Haunted Honeymoon' (M-G). Holding for so-so \$9,000. Last week, 'Wyoming' (M-G) and 'Peppers Trouble' (Col), fair \$10,200.

Strand (Indie) (2,000; 35-50-65)—'Northwest Mounted' (Par) and 'Girl from Havana' (Rep). Heavy campaign with emphasis on name stars showing plenty of return for town's biggest. Sure bet for strong \$4,000. Last week, 'Burns' (Par) and 'World Famous' (Par), good \$5,000.

'Triple Justice' (RKO) and 'Who Is'

(Continued on page 22)

So. American Pic Cos. Woo U.S. Aid But Would Compete With Yank Films; 76% Local Use of H'wood Product

By RAY JOSEPHS

Buenos Aires, Oct. 29.

Number of film studios in South America is decreasing, but with the decrease has come a resultant strength in those remaining. South American films, which means Argentine pix, since no other country has any real production, are now largely concentrated in half a dozen companies.

The industry has been on the upbeat along with a consciousness of the entire South American market. At that of this country alone. Leaders say they are not only looking out for trained help from the States, but also have an eye open for possibilities in other countries, the former for technical value and the latter for good will and a desire to broaden outlets.

This survey of the industry here is worth study, for while South American films have a long way to go, and no one is more willing to admit it than South Americans, they represent competition for the Hollywood product. Of all imported films, U.S.-made pix represent 76%, and European the rest. South American pix hope to cut into both and, at the same time, develop new markets. It is in this latter phase that South Americans hope for cooperation from the States.

Best estimates put the number of theatres in the Latin-American market at 5,400, with Argentina, Brazil and Mexico leading with more than 1,000 each.

Biggest and best equipped studio in South America has yet to turn out a single pic. It's the Baires Films headquarters now under construction in suburban San Fernando and represents the continent's closest thing to a Hollywood-type lot. Colonial Spanish—they call it California style in South America—it looks a little like the Warner setup or Universal City except for a kind of monumental Arc de Triomphe out front.

Building for Two Years

Building for the past two years, skedded to open again and again, it's the dream of Antonio Botana, owner of Critica, leading afternoon sheet here. He's the Hearst of South America. Owns no theatres, but got interested in pix as a way of using up some of his spare cash. Mel Schauer, producer in Hollywood and husband of Rosita Moreno, U.S. Spanish-language star, got Botana worked up on the idea and was asked down supposedly to head the outfit. Climate got him, however, he has asthma—and he had to give up. Who will take over is still unknown. Subject has caused more local talk than F. D. R.'s third-term decision. Mentioned likely is Daniel Tinea, one-time indie producer in France.

Botana is the showman of the news field here. He's been responsible for many of the U. S. style innovations in newspapers. Expects to make 12 or 14 pix a year. They'll be plugged not only by his own sheet, but through the backing of fellow capitalists. Studio is the talk of the continent's trade. Will have four stages, a pool for water scenes and plenty of U.S. imported equipment. Only the tabs will be French. Policy will be to pay less attention to stars. Botana says he wants a half-dozen stories on hand before he starts shooting, and is in no rush. Prefers to get everything just so first.

EFA—Empresa Filmadora Argentina—is rather one of the more active and enterprising of the S. A. majors. It is the sole outfit tied up with exhibitors, and, together with Pampa, the only one with a special department to handle French films, which long have been strong here. Co-owner and president of the board is Clemente Lococo, partner in the operation of many big houses in Argentina. Also in with cash are Alberto Lautner, a big exhib, and the Lauro Brothers, soda manufacturers. Started EFA, Adolfo Wilson, formerly with UFA, the German concern. EFA was reorganized about three years ago. Still works in rented quarters, but is considering building.

Guizar Interested

ested in the possibilities of Spanish-language pix made here that he bought a flock of stock. Now under contract to return for four more. Chief stars include Amanda Ledesma, who ranks next to Libertad Lamarque as leading femme draw (she was in Hollywood year ago but made no films); Nina Marshall, who looks like Anna Merkel and has created several popular characters on the radio; Tito Luisardo, who does city slicker comic material; Augusto Codecá, another popular; and Papita Muñoz, character roles.

Other companies: Lumitone, whose specialty is musicals with a mass appeal; Pampa Film, essentially a one-man outfit, with the man being Olegario F. Ferrando, wealthy son of a cattle baron and real estate owner; Sonofilm, with a schedule of 12 to 15 pix a year, is one of the oldest and largest, headed by Angel Mentasti and his brother, Attilio, whose father was a pioneer exhibitor. Their chief asset is Libertad Lamarque, rated best Argentine singing dramatic actress. She not only sells here but in the rest of Central and South America.

There are number of other studios which turn out an occasional film, but they are disappearing. Shorts are not attempted. Sonofilm also produces its own newswreel as does Cine Argentine, a fan mag. Both concentrate on local material—social, sports, government, and make no bones about selling space as 'news.' They even sell footage for background.

Laboratory facilities have also been growing with many studios depending on outside help. Largest is Alex Laboratories, operated by Carlos Conio, an Argentine formerly in Spain. Handles developing, printing and release print big of many studios. U.S. equipment used almost exclusively.

Music, like labs, is an expensive item and therefore few studios have their own. Usual method is to hire a musical director, let him pick his own music. Dubbing is done as in Hollywood. Most music is especially composed. Among the leaders are Rodolfo Sciamarella, Luis Rubinstein and Albert Seifer. Music follows a more regular pattern. Large number of good musicians available from the Colon—the local Met—and elsewhere makes quality of accompaniments extremely high.

BRIT. PRODUCERS, LABOR PARLEY ON AGREEMENT

London, Oct. 15.

New deals for studio workers are basis of current talks between recently formed British Producers Committee and labor reps George Elvin and Tom O'Brien. Get-together is seen forerunner to blanket wage-hour agreement for British studios as against individual tieups now effective. Group arrangement has been long sought by unions but found unattainable under regime of Producers Assn., now defunct.

Along with wage-hour talks are discussions on protection for workers during air raids, since studios are following government plea to keep going in industry.

Mismanagement Suit Must Go to Trial

Harry Silverstein's action against the French Cinema Center, Inc., French Film Import Co., Inc. and Gerry Heymann was upheld by N. Y. Supreme Court Justice Julius Miller. Defendants had claimed there was no cause of action stated in the complaint.

Appointment of a receiver for French Cinema Corp. had been sought by the plaintiff, stockholder of the company. Among charges of mismanagement charged to the Heymanns, Silverstein asserted André Heymann, president of both companies, formed French Films Import to divert the profits of films being

Miggins Carries On At 20th's Home Office

Ben Miggins, 20th-Fox manager in Europe, is carrying on operations from the New York office, with no change in his status likely for the time being. Reported that the company at one time considered the likelihood of placing Great Britain and Europe under one director but nothing has been done so far pending further developments on the war front.

Reginald Armour, RKO European manager, who arrived Saturday for huddles with Phil Reisman, RKO foreign chief, may not stay in U. S. more than a week before clipping back to Lisbon.

War Nixes Importation Of Foreign Vaudeville Talent to South Africa

Cape Town, Sept. 25.

The war has closed the doors on overseas vaudeville shows for South Africa, with the British government refusing permits for British vaudeville artists to leave England. In the past, many well-known American vaudeville acts have come to South Africa, then going to Australia for further dates.

To make up the void of imported artists during the duration of the war African Consolidated is conducting talent contests throughout the country. Trial shows are given to local acts in the principal towns, with the winners placed by public votes. Topliners are handed engagements at African Consolidated houses.

CALDERON BROS. PUT UP 35G FOR MEX PICTURES

Mexico City, Oct. 29.

Mexican pic production has received a \$35,000 advance for the completion of 10 features before the end of this year from the Calderon Bros., operators of a chain of cinemas for Spanish-language releases in the southwest U. S. This coin, it is expected, will enable the producers to finish these 10 pix in contract time. Pix are to be exhibited on the Calderon circuit.

This is the most important money that has been put into Mexico pix in some time.

American Pix Boom In Rio de Janeiro

Rio de Janeiro, Oct. 29.

American pictures, since the blitz clamped down on much of Europe's product, are enjoying business never experienced before in Brazilian history. Where exchanges used to compete with films sent by Germany, France and Great Britain, the releases today are almost all Hollywood, with the public responding as never before to the antics of the U. S. stars.

One sees everywhere men and women with English textbooks studying the language though titles on the Yank pix are superimposed, of course.

Willkie Situation

Continued from page 1

cial series in behalf of the Willkie Clubs and that Autry, turned down the request. Autry, it is said, pointed out that he was under the impression that gumchewers included both Republican and Democrats and that he couldn't see how his air employer, P. K. Wrigley, would favor his being put in the spot of favoring a particular candidate.

Stanley Resor, Thompson prez and his wife were (26) as having contributed \$10,000 between them to one of the Willkie campaign funds.

Glad When It's Over

One corner of the broadcasting business that will be glad when the political campaign comes to an end is the service staff in the network organization. For the past two or three weeks it's been a mad merry-go-round for this contingent.

Last minute calls for more and more have been for more this campaign, the ever before. The service staff is required not only to clear with the network's affili-

taken on so much momentum that these staffs have had to be doubled and this personnel is beginning to worry that if the feverish pace continues to increase at the same rate they will be cutting paper dolls by election day.

GOP Pressure on RKO

Philadelphia, Oct. 29.

Republicans last week put pressure on RKO to release its 'Information, Please' short which stars Wendell L. Willkie before election in order to help swing votes to the GOP candidate.

Mrs. Humbert Borton Powell, president of the Pennsylvania Council of Republican Women, sent letters to all heads of clubs in the council and publicity chairman of all women GOP groups urging that their members bombard managers of their local theatres with requests that the film be shown.

The letter said: 'This must be done at once as the theatres claim there is no demand for the film right now.' RKO is withholding the release of the short until after election in order not to appear to be favoring either side.

Dowling's Rep.

Continued from page 1

and perhaps Boston, giving the company a 48-week season and theatres there just enough extra time to round out a pretty full year with the regular and higher-priced touring productions.

According to Dowling, experiment probably would result in the permanent establishment of several such companies, each with several stars in the line-up, which would give playhouses in key spots a full season at \$1.50 and wouldn't make it necessary to depend on pickings out of Broadway.

While still a nebulous state, Dowling said he had spoken to several money men about the idea and they were interested way beyond the talk stage. Actor-producer claimed he would have no trouble getting necessary financial backing when ready to go. Money to get started in the fall and is already going over list of suitable plays.

Dowling, who'll produce Sean O'Casey's latest play, 'Purple Dust,' said script had just been completed and that he would begin readings, using several members of 'Time' cast in Chicago this week. 'Dust' won't be done, however, until Dowling's present tour ends, since he's going to act in the O'Casey piece, too.

M-G Test Case

Continued from page 3

another job, which, he claims, is illegal.

J. Robert Rubin, Metro v.p. and attorney, has agreed to let the case go to trial to get an opinion for future guidance of film companies in similar situations. It's an unusual point and the closest case that Garfield is able to cite to make his point is one in which a man ordered a suit of clothes, agreeing to accept it if satisfactory. He turned it down, however, without trying it, which the court held was unfair to the tailor.

Metro's reply to Noles' action was that it was 'ready, willing and able to make a screen test' of him but that he was 'wholly unprepared for such a test.' Also that the company was later likewise prepared to make the test, but Noles would consent to it only upon terms and conditions at variance with those in the original agreement.

Noles' counter-reply is that Metro never knew whether he was ready or not or whether he wanted different terms because they never informed him, orally or otherwise, that the test was to be made. Appended to the papers are quotes by New York and out-of-town critics praising Noles' work in the Huey Long role in 'Dictator' play.

Loew's Scores Point

In Austrian's Suit

Loew's, Inc., now point in a \$10,000 breach of contract action in N. Y. supreme court against it by Kurt Pilzer, when on Friday (25) Justice Charles B. McLaughlin denied Pilzer's plea for an examination of Loew officials before trial. Plaintiff is the assignee of Walter Reich Filmgesellschaft of Austria.

It is claimed that Metro purchased the English rights to re-make 'The film, 'Silhouettes,' produced by the plaintiff's assignor in 1936, but

Montgomery

Continued from page 3

mate requirements for national defense purposes.

Montgomery, in a private outburst from film folk, was himself charged with having made his New York utterances purely for personal publicity, since he was at the Herald Tribune Forum as an individual, not as a representative of Screen Actors Guild or any other organization.

Bitterness in the East

'Biter of the hand that feeds him,' was a term fittingly hurled at Robert Montgomery this week by toppers in the motion picture industry in New York. Montgomery, at the N. Y. Herald Tribune Forum last Wednesday (23), charged among other things that 'under present leadership' the industry's function in national defense in the present crisis cannot be 'properly and courageously performed.'

Not only was the actor's general derogation of the film industry deeply resented, but plain failure of Montgomery to look about him and recognize what studio after studio has done was termed 'malicious.'

RKO execs, in particular, were doing plenty of burning, inasmuch as the studio, at its own expense, had permitted Montgomery time off to come to New York to make the speech. He is working in 'Mr. and Mrs. Smith' with Carole Lombard and it is said, an expensive readjustment of schedule was required to give the player the necessary time out.

'Weakness of leadership in the industry,' Montgomery declared, 'stifles and thwarts the creative elements which it employs in producing mass entertainment. I believe we can go so far as to say that any resemblance between the present picture industry and creative art is purely dental.'

Counter-Evidence

As to his charge on defense, industry leaders pointed out the high degree of cooperation being given by Warner Bros. and other companies to the War and Navy departments in filming pictures which those services desire be made. As for courage, a score of pictures are named on which the industry knew it was 'taking a terrific chance' at the b.o. because of lukewarm public support for anything outside the usual, and yet on which they went ahead. In this category are included 'Escape,' 'Mortal Storm,' 'Confessions of a Nazi Spy' and 'Great Dictator.' As for art and similarity, there were 'Ghosts of Wrath,' 'Emile Zola,' 'Pasture' and 'Long Voyage Home,' among others.

'No man or group of men,' Montgomery concluded, 'has the right to place himself in complete control of any medium as powerful as that of the motion picture until such time as he may realize the tremendous good and tremendous evil that the medium exercises and until such time as he is capable of complete intellectual integrity and by virtue of a strength given through that honesty be willing to fight off whatever subversive influences may attempt to control that medium.'

Answer to that was, 'Does Montgomery think the film industry operates in a vacuum? He talks as if he does, although 12 years in Hollywood would appear to be sufficient to wake any normal human to what the industry faces. Everything we do is not only subject to approval of the American public by its support or lack of support at the box office, but by a hundred officials and non-official censoring bodies, boards, organizations, women's clubs and groups of every kind. Let it! Montgomery be courageous in the face of that.'

Montgomery's Ads

Hollywood, Oct. 29.

Robert Montgomery took a double-page spread in the Coast Trade dailies defending his New York talk, labelling the ad. 'In the interests of accuracy.' Montgomery says he was partially misquoted in newspapers and there was some distortion of the purport of what he said. 'What I had hoped would be a thoughtfully constructive contribution in a time of national crisis has been interpreted falsely as a thoughtless attack upon the industry,' and then gives the full text of his speech in the page advertisement.

Other page is a copy of letter from Thornton DeLanahan of the Herald Tribune in which the writer says he has been 'struck by what seems to have been a widespread misconception

New Curbs Prevent U. S. Pic Cos. From Profiting by Anzac Upbeat

Australia's picture business is booming, but new restrictions and the threat of additional taxes and coin freezing against U. S. distributors undoubtedly will keep American film companies from realizing on this improvement, according to latest word received in New York. Remittances received by American companies from Australia are running 8-14% ahead of last year, and American markets are slightly off. With Australian exhibitors depending on U. S. film product almost exclusively, increase in revenue in the last six months comes as a natural development.

Freezing of approximately half of all rental coin is the biggest handicap for American distributors, particularly companies with no theatre outlets which can put little of the frozen money to use.

A few of the companies may attempt to launch some production in Sydney providing the Australian government modifies present restrictions against employees taking their salary out of the country. This has been the stumbling block thus far in the proposal to interest American producers in turning out a few pictures on Aussie soil, since U. S. technicians and players would have to be used in key spots and none is willing to make the trip if their salaries are frozen in Australia.

REISMAN CAUTIONS ON LATIN-AMERICAN MKT.

Phil Reisman, RKO foreign chief, urged care in handling the Latin-American market yesterday (Tuesday) when he talked to the press in New York for the first time since returning last week from a tour of the Latin-American. Reginald Armour, company's European chief, who arrived from Europe the same day (Saturday), also attended the press huddle. Armour is in for huddles with Reisman for about a week.

Reisman said American companies must avoid stepping on the toes of South American and Central American patrons if they would improve business in these countries. Instance where a U. S. release bore an Argentine title and locale, but featured music from other Latin-American lands was cited as recent glaring example of such mishandling of South American nationalistic feelings.

Business conditions are normal in South America, he said. He also stated that Argentina is experiencing a production boom with three studios presently making features. Michele Morgan, recently signed to an RKO contract by Armour, came in on the Saturday boat also. The 20-year-old French cinema player will stay in New York about a week before going to the Coast. She speaks excellent English, and probably will not be delayed in being assigned to her first production.

Ex-Extra (With a Beard) Now Mexican Biggie

Mexico City, Oct. 29. A Hollywood extra has become director general of Mexican national free public libraries. He is Prof. Aurelio Manriquez who dwelt in Hollywood during his political exile in 1929 to 1935 and during that time acted out a living by extraing and teaching languages, of which he is a master of 10.

When he came back to Mexico, the professor, whose swell beard got him plenty work in pix, got in so right with the government that he got his library job.

Jap Culture Would Be Modeled After Nazis

Tokyo, Oct. 1. Cultural activities promoted by the new Cabinet Information Board, expected to be formed shortly with the consolidation of various information and publicity bureaus, the former nucleus, will be patterned closely after the system operated by the Nazis. Under the tentative plan, a 'people's theatrical company' will be organized. Company also would tour the provinces. Bureau also mulling travelling film troupe.

Mexico Veers Anti-Nazi

Mexico City, Oct. 29. Further demonstration of the general and sweeping trend pro-British and pro-American, away from the Nazi inclinations that were rather strong a while ago, is the featuring by local cinemas of the British Olympic News.

Reel, getting a big play here, always inspires applause.

NAZIS' 150 PIX DURING 1940-41

Washington, Oct. 29. Germany hopes to keep its film output in 1940-41 up to the same level as planned last year, around 150-odd pictures, the Commerce Department has been informed. Nazi trade press announced recently that 153 features have been offered, a drop of four under the number originally sketched for the past season. Only 126 of the 157 intended for 1939-40 actually were delivered.

Included in the coming season total are 142 German features, two long 'cultural' pictures and nine foreign features, eight of them in Italian, according to Vice Consul Paul H. Pearson in Berlin. Ufa and Tobis each due to turn out 34 pictures. Report said five Ufa films actually are being screened and four of the 18 planned by Bavaria Film Co. are done with 50% either finished in production.

'Wedding' Winds Up This Week in England Despite Fatal Bombing

London, Oct. 29. Despite the Nazi bombing raid on the Denham studios last week, which killed two workers, 'Quiet Wedding,' feature which Paul Soskin is producing for Paramount release, likely will be completed this week. This means that it will have taken more than nine weeks to turn out this British quota picture, representing three weeks more time than planned in the original budget.

The direct hit on the Denham plant, about 15 miles from London, is the first fatality on any Paramount-sponsored production since the Germans started bombing on a wholesale scale. However, the Olympic Labs were struck twice several weeks ago by Nazi incendiary bombs.

Margaret Lockwood, in Hollywood about a year ago working in 'Rulers of the Sea' for Paramount, is starred in 'Wedding.' John Ojerholm, formerly in charge of Paris laboratory in N. Y., who now runs the Olympic Laboratory here for the company, is associate producer. Those killed were merely injured as people working in the unit on this picture, according to David E. Rose, managing director in England for Paramount. Company will follow its old policy on quota films for this one of only distributing in U. S. if the picture measures up to boxoffice standards in America.

Outlook for any considerable amount of future quota film production by American film companies continues pessimistically, with the prospect of additional bombings.

PARRISH CHAIRMANS BRITISH NAT'L FILMS

London, Oct. 29. George Parrish, prominent banker, has been appointed chairman of British National Films, succeeding John Corfield. Corfield has formed his own film company with product to be released through Anglo-American Films.

Robert G. Simpson, a director, has been appointed chairman of Associated British, as expected. Eric Lightfoot named managing director. He formerly was secretary. William Douglas Scrimgeour appointed deputy chairman. First two posts created by death recently of John Maxwell.

In London Studios

London, Oct. 15. Warners new subject, 'An Empire Is Built,' bolstered by important cast additions, including Fay Compton, Owen Nares, Stephen Murray, Frederick Leister, Irene Brown, Anthony Ireland, and Vera Bagatti. Film rolled Sept. 23 and stars John Gielgud and Diana Wynyard.

Paramount's 'Quiet Wedding' added Margaretta Scott, Peggy Ashcroft, Arthur Seyler, Jean Cadell, Hay Petrie, Frank Cellier and Felix Aylmer. Pic is in production at Sound City Studios under Paul Soskin.

Michael Balcon announces a follow-up to 'Convoy,' coin-grabber for his Ealing Studios company. New feature will fictionalize navy's fighter pilots, and will have admiralty co-operation. Roy Kellino is director of photography; he guided lensing of 'Convoy.'

J. B. Priestley's 'Portrait of a British Foreman,' an original, purchased by Michael Balcon and handed to Cavalcanti as first production chore in latter's recent contract with Ealing Studios outfit.

MEXICO CITY'S AMUSEMENT BILL

Mexico City, Oct. 29. Public treasurer's report for year ended July 31, showed public paid 25,847,267.15 pesos (some \$5,000,000) for entertainment. Of this outlay about \$3,500,000 was copied by the cinemas. Stage theatres, concerts and various sporting events, including bull fighting and football, took the rest.

The local, regular paid public amusements going folk here are estimated to number 125,000. The population is around 1,000,000.

CAMACHO'S BROTHER AS FILM PERFORMER

Mexico City, Oct. 29. For the sake of official and state-boosting publicity, Maximino Avila Camacho, governor of Quebla and brother of President-elect Manuel Avila Camacho, has turned picture actor.

He did well in a publicity bull fighting four-reeler which has an English besides a Spanish narration version.

London in Wartime

London, Oct. 15. 'Murder at St. Michaels,' scheduled by Michael Balcon at Ealing Studios as next Will Hay laugh vehicle, postponed till air blitz steers a less lively course.

George Smith, one-time producer, taking on liaison duties between ENA, the show biz volunteer entertainments group, and factories, military camp, etc., where shows are staged.

Clive Films announces feature around metropolis 'standing up to air blast. Titled 'Carry On, London,' story is said to cover typical slice of life from city's populace.

Ann Terry (Mrs. Bud Flanagan) in stage reappearance after eight years at special Royal Air Force concert at Blackpool.

Ministry of Shipping has commandeered Billy Cotton's yacht and speed boat.

Gene Gerrard's house has been bombed. Likewise Lawrence Wright, in which his \$40,000 organ was destroyed.

The George Fosters and daughter Ann from Blackpool to Windermere Lakes.

William Mollison left his flat recently to get some cigarettes, and when

Large-Scale Joint Selling to Be Tried On Hollywood-S. American Pictures, Distrib Takeover Part of 700G Deal

U. S.'s Greek Loss Small

Outbreak of hostilities between Italy and Greece is expected to wipe out the Greek market for U. S. companies because of actual fighting and the naval blockade.

Greece always has been rated a negligible market for U. S. distributors, however, being listed as less than one-half per cent of all foreign business.

BRIT. GOV'T AID ON FILMS NIXED

London, Oct. 15. Chances of a credit bank for British film producers have been ruled as hopeless here by government spokesmen. Attitude was explained that though Board of Trade, sponsoring the plan, is unrelaxed in its enthusiasm toward getting such a measure before Parliament, the plan is 'impossible and irrelevant under existing war conditions.'

Rumors had been plenty that forthcoming report of BOT would include arrangements for the financing measure.

Mex Show Biz Fears Abate As Labor Czar Quits Political Scene

Mexico City, Oct. 29. Fears the amusement biz entertained that Prof. Vicente Lombardo Toledano, the rabid leftist, would continue as a red factor in Mexican politics when he steps down in November as boss of the Confederation of Mexican Workers, seem to have been eliminated with the prof's own statement that he definitely withdraws from the political picture when he relinquishes his job as Mexico's labor czar.

Toledano declares that he will not accept a cabinet or any other job in the government of President-elect Gen. Manuel Avila Camacho, which is scheduled to begin Dec. 1, should he be offered any. Observers see the prof completely out of any further Mexican government or labor activities.

he returned found his entire apartment demolished by a bomb.

Val Guest joining the Navy.

Government has taken over Sound City studios and dickering with Sam Smith for British Lion studios.

Harry Foster out of his apartment for the second time in three weeks due to a time bomb.

Jack Hyllon, Bud Flanagan and Duggie Wakefield signing autographs in aid of Blackpool's Spitfire Fund.

Joshua Lowe's (VARIETY) tailor was bombed—but the books were saved. No luck!

Du Calion, once notable on both sides of the Atlantic as the 'Loquacious Laddie on the Tottering Ladder,' now doing a heavy in Lawrence Wright's revue at Blackpool.

Biggest vaudeville attraction in England at present is London Philharmonic Orchestra, sponsored by Jack Hyllon. Broke house record at Empire, Glasgow, with gross of \$10,400.

Monty Berman in the Royal Air Force.

William Mollison holding record among showfolk with three bombings out of three London flats in less than four weeks.

Buenos Aires, Oct. 29.

First large-scale joint selling of Hollywood and locally made films, a move long sought and much discussed by many in the South American film industry, was tried as the result of a deal completed here. Move is being closely watched by U. S. pix representatives centered here as well as continental producers as a test of whether such handling is possible. Advocates insist some sort of tieup would be mutually beneficial while opponents declare there is no necessity or reason for such action. Arrangement involves investment of some \$700,000 (pesos) in Pampa Films, one of the largest South American producers, by Jacob Huberman. Huberman is owner of Ariston Internacional Films, which distributes Republic pix in Argentina and Uruguay. In return for the cash, heaviest bankroll to go to any one company in years, Huberman gets a percentage and exclusive distribution of Pampa. Studio will dissolve its distribution department.

While Republic is not financially interested in the deal, Huberman has indicated that he will follow a joint sales policy. Since most houses, especially in the interior, play a 50-50 bill of Hollywood and Argentine films, Huberman should be able to benefit by increased volume, lower distribution costs (often a red-ink maker because of distances and slow transportation) and balance between U. S. and Argentine pix.

U. S. Handling Not Favored. Although tried on individual local films, distribution of South American reels by U. S. companies has never been favored by home offices. None of the local outfits has the offices and tieups outside Argentina that the North American firms possess and so they usually make individual deals for specific pix with indie operators elsewhere. Coincident with the investment disclosure was the news that Mario Sofici, rated among the five top directors, had resigned from Argentina. Sono-film to become Pampa's director general.

Sofici, free-lancer under contract to make a number of pix for Sono, is said to have been offered a free hand to supervise Pampa's product and to spend more liberally for stars and production. Under him will be Lucas Demarre, whose recent comedy, 'Chingalo,' is doing big, and Leopoldo Torres Rios, specialist in low-budget comedies. Mecha Ortiz, a leading boxoffice grosser with large stage following, has also been signed together with the Lucario, comic, and Enrique Muino, a dramatic heavy.

Ariston outfit has not only done distribution but produced indies in France, Mexico and Spain. A large real estate owner, Huberman, according to associates here, is expected to eliminate waste and inflated production costs which have caused Pampa to go into the red. Business men and bankers here have been slow to become interested in local film production, many explaining they felt it needed more improvement and stability.

Defer Hoyts-G.U.T. Deal Until Next January

Melbourne, Oct. 9.

All difficulties have now been ironed out between Hoyts and Greater Union Theatres on merger plans, although up to the present nothing has actually been signed. Hoyts will have seven directors on board of General Theatres which, under the plan, would book for both chains, with G.U.T. holding 'two spots.' It's intimated that it will be impossible to complete details to permit a start as of this month, which had been expected of late, with date, following signatures, set as from Jan. 1, 1941.

Following an okay by 20th-Fox, which controls Hoyts, the merger sticks for 20 years, with the 20th-Fox product assured of release in the main centers where theatres coming under the control of G.U.T. On year's trading, mainly with U. S. product, Hoyts has turned in a profit of \$475,000, and despite wartime conditions, this is held to be a record.

Feigley's Air-Service Yen
Toledo, Oct. 29.

Howard Feigley Jr., who is associated with his father—managing the Rivoli and Palace in downtown Toledo, has applied for entrance into the Canadian Air Corps and will take tests in Canada.

No one is being considered for a managerial post in the Palace, however, until it is known whether he has officially been accepted.

Advance Production Chart

Hollywood, Oct. 29.

Major studios have production for 1940-41 well advanced, with only 312 features remaining to be filmed during the next 10 months. Production has started to ease up with five of the studios putting no pic in works during the past week. Warners, with three new ones and several ready to start, were in the vanguard. More than 100 films are ready for release or in various stages in the cutting rooms.

Paramount and RKO lead the majors with pictures in production, with six each. Columbia and Warners have five each and Metro and Universal follow with four each. Republic and United Artists have two pic in production and Monogram and 20th one each. Majors to date have completed 182 of their promised quotas for the current season. Figure not usually reached at this time of the year.

Columbia

	From- isued	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Features	44	10	4	4	30
Westerns	16	7	0	0	8
Serials	4	0	1	0	3
Totals	64	17	5	4	41

Pictures in cutting rooms or awaiting release:

PINTO KID, western with songs; prod. Leon Barsha; dir., Lambert Hillyer; orig. screen play, Fred Myton; camera, George Meehan. Cast: Charles Starrett, Lenore Currie, Sons of the Pioneers, Paul Sutton, Hank Bell, Jack Rockwell, Bob Nolan, Tim Spencer, Ben Taggart, Ernie Adams, Francis Walker, Dick Botiller.

THUNDERING FRONTIER, western; asso. prod. Jack Fier; dir., D. Ross Lederman; screen play, Paul Franklin; camera, George Meehan. Cast: Charles Starrett, Iris Meredith, Raphael Bennett, Alex Callam, Carl Stockdale, Fred Burns, Bob Nolan, John Tyrell, Francis Walker, John Dilon.

OUTLAWS OF THE PANHANDLE, formerly **BLAZING THE OKLAHOMA TRAIL**, western; asso. prod. Jack Fier; dir., Sam Nelson; no writing credits; camera, George Meehan. Cast: Charles Starrett, Francis Robinson, Sons of the Pioneers, Stanley Brown, Richard Fliske, Bob Nolan, Tim Spencer.

ARIZONA, western drama (1939-40); prod.-dir., Wesley Ruggles; screen play, Claude Binyon; original by Clarence Budington Kestner; camera, Joseph W. Warren. Cast: Jean Arthur, William Holden, Warren William, Porter Hall, Paul Harvey, Regis Toomey, Edgar Buchanan, George Chandler, Uvaldo Valera, Earl Crawford, Colin Tapley, Byron Foulger, Wade Crosby, Syd Saylor, Ralph Peters, Frank Clark, William G. Lomax.

NOBODY'S CHILDREN, drama; asso. prod. Jack Fier; dir., Charles Barton; no writing credits; camera, Ben Kline. Cast: Edith Fellows, Lois Wilson, Lillian West, Billy Lee, Janet Chapman, Cynthia Crane, Walter White, Georgia Caine.

BEYOND THE SACRAMENTO, formerly **GHOST GUNS**, western; asso. prod. Leon Barsha; dir., Lambert Hillyer; orig. screen play, Luci Ward; camera, George Meehan. Cast: Bill Elliott, Evelyn Keyes.

BLONDIEN PLAYS CUPID, formerly **BLONDIEN GOES TO THE COUNTRY**, comedy; asso. prod. Robert Sparks; dir., Frank Strayer; screen play, Richard Flury, Karen DeWolf, writers, Henry Freulich. Cast: Penny Singleton, Arthur Lake, Larry Simms, Danney Mummert, Daisy.

GRIDS UNDER 21, formerly **THE LITTLE PROFESSOR**, drama; asso. prod. Ralph Cohn; dir., Max Noftick; no writing credits. Cast: Paul Kelly, Rochelle Hudson.

GHOST GUNS, western; asso. prod. Leon Barsha; dir., Lambert Hillyer; no writing credits; camera, George Meehan. Cast: Bill Elliott, Walter Taylor, Evelyn Young.

PASSAGE WEST, melodrama; asso. prod. Samuel Bischoff; dir., John Brahm; orig. story, Sidney Biddell and Frederick Frank; screen play, P. J. Wolfson; camera, Frank Planer. Cast: Pat O'Brien, Constance Bennett, Edgar Buchanan, John Halliday, Alan Baxter, Melville Cooper, Marjorie Gateson.

THE LONE WOLF KEEPS A DATE, formerly **REVENGE OF THE LONE WOLF**, formerly **ALIAS THE LONE WOLF**, melodrama; asso. prod. Ralph Cohn; dir., Sidney Salkow; orig. screen play, Earl Felton and Sidney Salkow; camera, Barney McGill. Cast: Warren Williams, Frances Robinson, Eric Blore.

THE WILDCAT OF TUCSON, formerly **THE ROUNDUP**, western; asso. prod. Leon Barsha; dir., Lambert Hillyer; no writing credits; camera, George Meehan. Cast: Bill Elliott, Walter Taylor, Evelyn Young.

ELERY QUEEN, MASTER DETECTIVE, formerly **JOHN BRAUN'S BODY**, drama; orig. Elery Queen; screenplay, Ray, original, Charles Bonner; camera, Cast: Ralph Bellamy, Margaret Lindsay, Charles Grapevin, James Burke, Marsha Hunt, Michael Whalen, Katherine DeMille, Fred Niblo, Morgan Wallace.

ACROSS THE SIERRAS, western; asso. prod. Leon Barsha; dir., D. Ross Lederman; no writing credits; camera, George Meehan. Cast: Bill Elliott, Luana Walters.

Columbia Pix in Production

THIS THING CALLED LOVE, comedy; asso. prod. William Perlberg; dir., Alexander Hall; no writing credits; camera, Joseph Walker. Cast: Rosalind Russell, Melvyn Douglas, Binnie Barnes, Gloria Dickson, Allyn Joslyn, Lee J. Cobb, Joan Storm.

LEGACY, drama; asso. prod. Robert Shrewoud; dir., Gregory Raitt; original, Charles Bonner; camera, Peverell Marley. Cast: Warner Baxter, Ingrid Bergman, Fay Wray.

PHANTOM SUBMARINE, formerly **OCEAN GOLD**, meller; asso. prod. Ralph Cohn; dir., Charles Banton; no writing credits; camera, Barney McGill. Cast: Anita Louise, Bruce Brand.

THE GREEN ARCHER, serial; Larry Darnour producer; dir., James Horne; no writing credits; camera, James S. Brown, Jr. Cast: Victor Jory, Iris Meredith, Forrest Taylor.

PENNY SERENADE, drama; asso. prod.-dir., George Stevens; no writing credits; camera, Franz Planer. Cast: Irene Dunne, Cary Grant, Edgar Buchanan, Ann Doran.

Metro

	From- isued	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Features	50-52	15	4	11	33
Totals	50-52	15	4	11	33

Pictures in cutting rooms or awaiting release:

ESCAPE, drama; producer, Lawrence Weingarten; director, Mervyn LeRoy; from novel by Ethel Vance; camera, Robert Planer. Cast: Norma Shearer, Robert Taylor, Nazimova, Felix Bressart, Paul Lukas, Bonita Granville.

STARS LOOK DOWN, drama; produced in England; original by A. J. Cronin; director, Carroll Reed. Cast:

Emlyn Williams, Margaret Lockwood, Michael Redgrave.

THE PHILADELPHIA STORY, drama; asso. prod. Joseph L. Mankiewicz; dir., George Cukor; original by Philip Barry; screenplay, Donald Ogden Stewart; camera, Joseph Ruttenberg. Cast: Katherine Hepburn, Cary Grant, James Stewart, John Howard.

HULLABALOO, musical; asso. prod. Louis K. Sidney; dir., Edwin L. Marin; orig. screen play, Nat Perrin and Dorothy Yost; camera, Charles Lawton. Cast: Frank Morgan, Billie Burke, Virginia Grey, Ann Morris, Leni Lynn, Sara Haden.

BITTER SWEET, musical; asso. prod. Victor Saville; director, W. S. Van Dyke; novel by George Coward; screen play, Lear Samuelson; camera, Oliver Marsh. Cast: Jeanette MacDonald, Nelson Eddy, Paul Lukas, Fay Holden, Edward Ashley, Lynn Carver.

LITTLE NELLIE KELLY, musical; asso. prod. Arthur Freed; dir., Norman Taurog; orig. George M. Cohen; screen play, Jack McGowan; camera, Ray June. Cast: Judy Garland, George Murphy, Charles Winninger, Douglas McPhail.

SHOULD DR. KILDARE TELL?, formerly **DR. KILDARE** No. 4, drama; Gen. Office prod.; dir., Harry Buckquet; original screen play, Max Brand; camera, John Seitz. Cast: Lionel Barrymore, Lew Ayres, Robert Young, Laraine Day, Samuel S. Hinds, Emma Dunn.

FLIGHT COMMAND, meller; asso. prod. J. Walter Rubin; dir., Frank B. Rowland; orig. by Com. Harvey S. Haislip and John Southland; camera, Hal Rosson. Cast: Robert Taylor, Walter Pidgeon, Ruth Hussey.

GALLANT SONS, formerly **FIGHTING SONS**, drama; asso. prod. Frederick Stephani; dir., George Seitz; no writing credits; camera, Sidney Walker. Cast: Jackie Cooper, Gene Reynolds, Ian Hunter, Bonita Granville, June Preisler, Edward Ashley, Gail Patrick.

GO WEST, comedy; asso. prod. Jack Cummings; dir., Eddie Buzzell; no writing credits; camera, Leonard Smith. Cast: Marx Bros., John Carroll, Walter Wolf King.

COMRADE X, melodrama; prod., Gottfried Reinhardt; dir., King Vidor; screen play, Ben Hecht and Charles Lederer; camera, Joe Ruttenberg. Cast: Clark Gable, Hedy Lamar, Sigmund Rumann, Vladimir Sokoloff.

Metro Pix Now in Production

COME LIVE WITH ME, comedy; gen. office prod.; dir., Clarence Brown; no writing credits; camera, George Polsey. Cast: James Stewart, Hedy Lamar, Vera Tessdale.

KEEPING COMPANY, comedy; asso. prod. Sam Marx; dir., S. Sylvan Simon; no writing credits; camera, Karl Freund. Cast: John Shelton, Ann Rutherford, Frank Morgan, Irene Rich, Virginia Weidler.

MALE WAS A LAD, comedy; asso. prod. J. Walter Rubin; dir., Edwin L. Marin; no writing credits; camera, Charles Lawton. Cast: Ann Southern, Lew Ayres, Maureen O'Sullivan, Rita Johnson, Edward Ashley.

WILD MAN OF BORNEO, comedy drama; asso. prod. Joseph L. Mankiewicz; dir., Robert Sinclair; no writing credits; camera, Oliver Marsh. Cast: Frank Morgan, Billie Burke, Virginia Grey, Dan Daley, Jr.

Monogram

	From- isued	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Features	35	6	0	2	28
Westerns	24	2	1	2	20
Totals	60	8	1	4	48

Pictures in the cutting room:

DRUMS OF THE DESERT, meller; asso. prod. Paul Malvern; dir., George Wagner; screen play, Dorothy Reed; Joseph West; camera, Fred Jackman, Jr. Cast: Lorna Gray, Ralph Byrd.

SIX-SHOOTING SERENADE, western; prod. George Weeks; dir., Roy Ruby; orig. George Plympton; adaptation, Oliver Drake; camera, Ed Linden. Cast: Roy Corrigan, John King, Max Terhune, Rita Conway, Roy Barcroft, Jack Rutherford, Tom London.

PHANTOM OF CHINATOWN, meller; asso. prod. Paul Malvern; dir., Phil Rosen; screenplay, Joseph West; camera, Fred Jackman, Jr. Cast: Keye Luke, Lotus Long, Grant Withers.

OKLAHOMA BOUND, western; asso. prod. Edward Finney; dir., Al Herman; screenplay, Robert Emmett; camera, Marcel A. LePard. Cast: Tex Ritter, Slim Anderson, Bob Willis and Texas Playboys.

ARIZONA FRONTIER, western; asso. prod. Edward Finney; dir., Al Herman; screenplay, Robert Emmett; camera, Marcel A. LePard. Cast: Tex Ritter, Slim Anderson, Frank LaRue, Tristram Coffin, Richard Cramer, Gene Alsace, Jim Pierce, Jim Thorpe, Hal Price, Evelyn Kinley, Art Wilcox and Texas Rangers.

Monogram Pix Now in Production

TRIPLE THREAT, western; asso. prod. George Weeks; dir., Roy Ruby; screenplay, Elmer Clifton; camera, Edward Linden. Cast: Ray Corrigan, John King, Max Terhune.

Paramount

	From- isued	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Studios	33	15	1	15	11
H. Sherman	9	5	1	5	3
Morris-Stillman	2	0	0	1	1
G. Markey	1	0	1	0	0
Totals	45	20	6	21	15

Pictures in cutting rooms or awaiting release:

DANCING ON A DIME, drama; GMO production; director, Joseph Santley; script, Maurice Rapf, Anne Morrison; Chaplin, Allen Chinikin; based on story by Isaac Lustig and Max Kolpe; camera, Charles Lang. Cast: Robert Paige, Peter Hayes, Eddie Quillan, Frank Jenks, Grace McDonald, Virginia Dale, Carol Adams, Lillian Cornell, William Frawley, John Galloway, Phillip Cornell, Tom Collins, George Meader, Charles Lane, James Flavin, Jerry Fletcher, Frank C. Shannon, Snow.

(Continued on page 20)

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 review is given in VARIETY and the running time of prints are included.)

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Key to Type Abbreviations: M—Melodrama; C—Comedy; CD—Comedy Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical. Figures herewith indicate date of VARIETY's review and running time.

WEEK OF RELEASE—9/13/40

Howards of Virginia (Col)	9/4	D	113	C. Grant-M. Scott.
Wyandott (M-G)	9/11	W	84	W. Berry-L. Carillo
The Ape (Mono)	9/11	M	62	Boris Karloff
Girl from Havana (Rep)	9/11	RD	69	D. O'Keefe-C. Carleton
Dreaming Out Loud (RKO)	9/18	W	83	Lum and Abner-F. Langford
Public Rich Man (20th)	8/28	C	70	G. Rogers-R. Moran
Hired Wife (U)	9/11	CD	95	R. Russell-B. Almer
Leather Pushers (U)	9/11	C	87	C. Allen-A. Devine
No Time for Comedy (WB)	9/11	C	98	J. Stewart-R. Russell

WEEK OF RELEASE—9/20/40

Before I Hang (Col)	10/2	M	62	B. Karloff-E. Keyes
Haunted House (M-G)	9/7	D	93	R. Montgomery-J. Cummings
That Gang of Mine (Mono)	9/7	M	11	J. Jordan-L. Gorey
I Want a Divorce (Par)	9/4	D	91	J. Bondell-D. Powell
Triple Trouble (U)	10/9	W	85	W. O'Brien-M. Moran
Colorado (Rep)	9/4	W	57	R. Rogers-G. Hayes
Yesterday's Heroes (20th)	10/9	CD	67	L. Sterling-J. Rogers
My Friend Irma (U)	9/25	M	12	G. Rogers-R. Moran
Ragtime Cowboy Joe (U)	10/2	W	68	J. M. Brown-N. O'Day
King of the Desert (UA)	10/16	D	105	C. Veldt-Sabu
West of the Pecos (U)	10/2	W	72	C. Cooper-W. Brennan
City for Conquest (WB)	9/11	D	105	J. Carney-A. Sheridan

WEEK OF RELEASE—9/27/40

Angels Over Broadway (Col)	10/9	D	78	D. Fairbanks, Jr.-R. Hayworth
Glamour for Sale (Col)	10/23	D	58	A. Louise-R. Frier
Prairie Schooners (Col)	9/18	M	115	B. Elliott-E. Young
Strike Up the Band (M-G)	9/18	W	85	R. Rogers-R. Moran
Murder (M-G)	9/25	M	71	R. Johnson-W. Pidgeon
Drums of the Desert (Mono)	10/16	D	105	L. Gray-R. Byrd
Rangers of Fortune (Par)	9/11	W	79	F. McCarty-R. Morison
I'm Still Alive (RKO)	10/2	RD	70	K. Taylor-L. Hayes
Under Texas Skies (Rep)	9/18	W	57	A. Mesquiter-L. Hanson
Brigham Young (20th)	8/28	W	73	R. Barwell-L. Darnell
Spring Fling (U)	10/2	MU	89	D. Durbin-R. Cummings
End of the River (WB)	10/30	M	73	J. Garfield-B. Marshall

WEEK OF RELEASE—10/4/40

So You Won't Talk (Col)	10/23	C	63	J. E. Brown-F. Robinson
Daley (M-G)	10/2	C	67	A. Sothern-L. Hunter
He Swims in Hole (Mono)	10/2	M	80	M. M. Brown-L. Hunter
Quarterback (Par)	10/2	CD	71	W. Morris-V. Dale
Wagon Train (RKO)	10/2	W	60	T. Holt-M. O'Driscoll
Gay Caballero (20th)	9/25	W	72	R. Rogers-R. Moran
Diamond Frontier (U)	10/9	M	71	V. McLaglen-A. Nagel
Knute Rockne—All American (WB)	10/9	D	97	P. O'Brien-G. Page

WEEK OF RELEASE—10/11/40

Third Finger, Left Hand (M-G)	10/16	CD	98	M. Loy-M. Douglas
Thrilling Double Trouble (Mono)	10/16	W	84	C. Corrigan-J. King
Cherokee (Rep)	10/2	W	84	D. O'Keefe-C. Carleton
Villain Still Pursued Her (RKO)	7/24	C	68	A. Louise-R. Cromwell
Moons and Moonlight (Rep)	10/16	CD	57	J. Downs-J. Frazee
Frontier (20th)	10/9	W	57	D. O'Keefe-C. Carleton
Down Argentine Way (20th)	10/9	MU	92	D. A. Amec-B. Grable
Father Is a Prince (WB)	10/16	CD	85	G. Mitchell-L. Patrick
Little Bit of Heaven (U)	10/16	CD	85	J. Dean-H. Herbert

WEEK OF RELEASE—10/18/40

Nobody's Children (Col)	10/16	D	5	E. Fellows-L. Wilson
West of Abilene (Col)	10/16	D	74	C. Starrett-M. Cooley
Moon Over Burma (Par)	10/16	D	74	L. Lamour-P. Foster
Night Train (20th)	10/30	D	79	R. Lockwood-R. Harrison
Laddie (RKO)	9/18	D	63	T. Holt-S. Byington
Slightly Tempted (U)	10/30	C	80	H. Herbert-P. Moran
Dispatch from Reuters (WB)	9/25	D	89	E. Robinson-E. Best

WEEK OF RELEASE—10/25/40

Girls Under 21 (Col)	10/30	D	77	P. Kelly-R. Hudson
Hullabaloo (M-G)	10/30	MU	77	F. Morgan-B. Burke
Phantom of Chinatown (Mono)	10/30	CD	66	K. Powell-E. Drew
Like Me Back to Oklahoma (Mono)	10/30	CD	66	C. Laughton-C. Lombard
Knew What They Wanted (RKO)	10/9	CD	99	R. Rogers-G. Hayes
Young Bill Hickok (Rep)	10/2	W	79	R. Barrymore-M. B. Hughes
Great Guy (20th)	10/16	W	75	M. Baughman-R. Moran
Turbot Anne Sals Again (WB)	10/23	RD	85	M. Dietrich-J. Wayne
Seven Sinners (U)	10/30	CD	85	M. Dietrich-J. Wayne

WEEK OF RELEASE—11/4/40

Escape (M-G)	10/30	D	105	N. Shearer-R. Taylor
Blondie Plays Cupid (Col)	10/30	C	67	P. Singleton-A. Lake
Like Me Back to Oklahoma (Mono)	10/30	CD	66	T. Huxley
Dancing on a Dime (Par)	10/16	D	73	G. McDonald-R. Palge
Too Many Girls (RKO)	10/9	MU	84	L. Ball-R. Carlson
LI (A. L. Warner)	10/16	M	73	R. Barrymore-M. B. Hughes
Who Killed Aunt Maggie? (Rep)	10/16	M	73	J. Hubbard-W. Barrie
I'm Nobody's Sweetheart Now (U)	10/16	C	67	D. O'Keefe-C. Moore
Devils Pipe (WB)	10/16	C	67	C. Allen-A. Devine
Always a Bride (WB)	10/16	C	67	R. Lane-G. Reeves

WEEK OF RELEASE—11/8/40

Bitter Sweet (M-G)	10/30	MU	77	J. MacDonald-N. Eddy
Artie My Love (Par)	10/23	D	100	C. Colbert-R. Milland
Friendly Neighbors (Rep)	10/30	D	100	W. Evans-B. Bros. and Elvira
Mexican Spitfire Out West (RKO)	10/30	W	76	L. Veloz-L. Errol
Trail Blazers (Rep)	10/30	W	58	R. Livingston-B. Steele
The Mark of Zorro (20th)	10/30	D	72	T. Power-L. Darnell
Sandy Gets Her Man (U)	10/30	C	67	S. Erwin-U. Merkel
Pony Post (U)	10/30	W	72	J. M. Brown-F. Knight
Young Will Be Served (20th)	10/30	W	72	L. Hayward-F. Bennett
Meet the Wildcat (U)	10/30	D	61	M. Lindsay-R. Bellamy
The Long Voyage Home (UA)	10/30	D	103	J. Wayne-T. Mitchell
The Letter (WB)	10/30	D	61	B. Davis-H. Marshall

WEEK OF RELEASE—11/15/40

Lone Wolf Keeps a Date (Col)	10/30	M	77	W. Williams-F. Robinson
Beyond the Sacramento (Col)	10/30	W	77	B. Elliott-E. Keyes
Gallant Sons (M-G)	10/30	C	67	J. Cooper-J. Preissler
Three Men from Texas (Par)	10/30	W	77	R. Rogers-R. Moran
Remedy for Riches	10/30	CD	77	J. Herscholt-D. Lovett
Melody Ranch (Rep)	10/30	W	77	G. Aubrey-J. Durante
Street of Memories (20th)	10/30	MU	63	G. Roberts-R. Almer
Moonlight in the Tropics (U)	10/30	W	63	A. Jones-V. Bruce
South of Suez (WB)	10/30	D	63	G. Brent-G. Fitzgerald

WEEK OF RELEASE—11/22/40

Escape to Glory (Col)	M	77	P. O'Brien-C. Bennett
Little Nelly Kelly (M-G)	MU	77	J. Garfield-G. Murphy
North West Mounted Police (Par)	M	77	G. Cooper-M. Carroll
The Fargo Kid (RKO)	W	77	T. Holt-J. Drummond
You'll Find Out (RKO)	MU	77	K. Kessel
Texas Territory (Rcn)	W	77	D. Barry-J. Duncan
Yours Will Be Served (20th)	C	77	J. Withers-R. Conway
Meet the Wildcats (U)	6	103	M. Lindsay-R. Bellamy
The Long Voyage Home (UA)	10/30	103	T. Waver-T. Mitchell
The Letter (WB)	10/30	103	B. Davis-H. Marshall



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Phonovision-Par Shorts Deal Stalls; Jas. Roosevelt's Stance

Frank Orsatti-Sam Sax Phonovision outfit will determine by tomorrow (Thursday) whether it will use Paramount shorts in its nickel-in-the-slot film machines or make its own product. Decision will depend on how favorable a deal Par is willing to offer in a series of confabs this week.

Number of the Par briefs, featuring various name bands, which have already gone through regular theatre release, have been edited down to the three-minute length required for the jukeboxes and are now being demonstrated at Phono's New York headquarters.

More than 100 of the Par band shorts are available to Sax and Orsatti and they could be edited to get at least two juke strips out of each reel. Par is also constantly making more, which means a supply of earlier ones becomes continually available.

If the Par deal is nixed, Sax said, Phonovision will immediately begin production on its own to be ready when the machines begin coming off the assembly line in about a month. Number of cabinets have already been delivered and are awaiting their innards.

Out As Soundies Prez

Hollywood, Oct. 29. James Roosevelt, who gave up his chores as president of the Soundies Distribution Corp. because of a call to military service, returned to town with his assistant, N. H. 'Jack' Brower, and explained the changes made in the production setup.

Fred Mills assumes the presidency of Soundies, with Roosevelt as v.p. and member of the board, effective Nov. 7 and continuing during war service. Meanwhile, Henry Henigson is preparing 25 soundies for immediate production.

Frisco's First Jukebox Films, the Photogram

San Francisco, Oct. 29. First dime-in-slot jukebox pic, the Photogram, to make its bow in Frisco now grinning at the Bal Tabarin. Product of Cinematic Sound Co., Hollywood, and fitted with Bell-Howell equipment, it's being handled by M. G. Thompson, B. F. Murtha and Howard Adleson of Crown Specialty Co., a local group.

Test run has been given for 100 machines, but Adleson figures he will do well to place 50 in next six months due to shortage of product to feed visual juke. Currently using four dramatized subjects from Techniprocess, Hollywood, including 'Playmates' and 'Man Who Comes Around' backgrounded by Tommy Tucker's band. Machines job at \$440, retailing here at \$550. Running time from moment time is slotted until fadeout is two minutes, 55 seconds, permitting \$2-an-hour gross. Test box works about four hours nightly.

Two more machines due in this week and probably will be spotted in situation opening at 10 a.m. to see how they stand up on all-day-and-night grind.

Initial experience here has convinced Adleson that cost of machines will have to be kept down because of the upkeep necessary due to rapid depreciation of film, necessity for changing of subjects and mortality of tubes. Big money end of the biz he contends will be in the film production end. Looks for most of stuff to be shot in mm. and knocked off on 16 for distrib.

Guaranteed Picts Sues To Restrain 10 Westerns

Guaranteed Pictures, Inc., filed suit Thursday (24) in N. Y. federal court against Screen Attractions Corp. and Morris Kleinerman seeking an injunction to restrain the defendant from distributing 10 westerns in the N. Y. area. Plaintiff owns the disputed pictures.

It is claimed that the defendants acquired the films without permission of the plaintiffs, and are showing them at lower rentals than plaintiff receives from its usual distribution sources. The pictures are 'Furious Pals', 'Jaws of Justice', 'Song of the Trail', 'Phantom Patrol', 'Valley of Terror', 'Whistling Bullets', 'Wild Horse Road', 'Wild Cat Troupers', 'Galloping Dynamite' and 'Fighting Texan'.

Loach's H.Q. West Also

T. P. Loach, treasurer and business manager for Paramount, has switched his plans and will make his home on the Coast, only coming east on periodical visits. He originally planned to make his headquarters in New York and commute to Hollywood.

Eddie Golden, general sales manager, presently on the Coast, so far has kept his home in New York, but until he is on the road most of the time.

Mono's Cal. Charter

Sacramento, Oct. 29. Monogram Pictures, which recently moved its home offices from New York to Hollywood, applied for a California charter. Originally incorporated in Delaware, the company listed its capital stock at \$1,000,000.

Papers were also filed by Associated Productions, headed by Sally Eilers, Ralph F. Murphy and William M. Chaperone. It listed stock at 100 shares, no par value.

SHOWMAN DEUTSCH IN SPOT ON 'OBSCENE' PICS

Cleveland, Oct. 29. A county grand jury indictment against Richard D. Deutsch for possessing obscene motion pictures is bouncing the prez of Pioneer Film Exchange and sports promoter back into courtrooms again although he had been fined \$100 and discharged after pleading guilty to the same charge in police court last week.

Although he escaped a six month jail rap, after a municipal judge reduced the original felony charge to a misdemeanor, Deutsch will have to fight it out once more in a higher court to dodge a one to five year pen stretch under the felony code.

In-again-out-again case, a precedent-setter, is throwing film as well as political circles into a state of hullabaloo with far-reaching implications. Reported that Film Bldg. owners planned to cancel his exchange's lease but they deny it. Furor is also turning such unfavorable publicity on promoter's new sports arena, now being built, that syndicate backing it is in a dither.

Friends of Deutsch and his attorney are charging that Prosecutor Frank T. Cullinan, who reopened the case, is using it as a publicity-catcher to further his campaign in coming elections. Capt. Michael Blackwell, head of police anti-vice crusade, testified that he confiscated six reels of obscene motion pictures in a raid on the Deutsch Printing Co. In defending his client, Louis Fernberg argued that the felony section of state code does not apply to motion pictures, contending that the misdemeanor section covers operation of a movie projector showing obscene pictures.

\$16,500 in Legal Fees Allowed in GN Washup

Final allowances in the Grand National Pictures liquidation proceedings were handed down by Judge Murray Hulbert in N. Y. federal court Thurs. (24) approving a report and recommendations by referee Peter B. Olney, Jr. Allowances made to over 30 applicants totaled approximately \$16,500, with about \$20,000 having been sought.

Report of the referee disclosed that the trustee, Harry G. Fromberg, now has on hand \$72,401 and a 60% dividend to wage creditors will be paid of \$9,000. These people will also receive \$6,000 more on other claims, with tax claims taking an additional \$30,000.

Allowances of the larger variety were \$2,100 to Fromberg, who had sought \$2,500; \$6,500 to Dannenberg & Hazen, attorneys for Fromberg; and \$1,250 to the same firm for services to the creditors' committee. Radin & Goldstein, accountants, received \$3,000 which is what they sought, and Saul E. Rogers, attorney for GN, under Chapter XI in reorganization, received \$2,250 out of \$5,000 requested. The referee had only allowed Rogers \$1,250 but Judge Hulbert boosted the ante. Approximately \$1,500 was paid to 27 others whose claims ran from \$5 to \$500.

Zukor Tees Off Par Pep Club's Talkfest

With a view to acquainting all its home office employees with the operation of each department of the company in their relation to it and the picture industry, Paramount last night (Tues.) inaugurated a series of talks at headquarters in New York. They will be given each Tuesday evening from 6 to 7 p.m. and will be arranged under the auspices of the Paramount Pep Club, of which Arthur Israel, Jr., executive assistant to Barney Balaban, is president.

Adolph Zukor, chairman of the board, teed off the talks last night (Tues.).

United Detroit Circuit Under 3 District Mgrs.

Detroit, Oct. 29. Creation of three district managers to supervise the entire chain, brought on a series of managerial changes in the United Detroit Theatre extensive group here. Under the change, Robert Corbin, who had managed the Michigan, takes over the supervision of all UDT's first runs (Michigan, United Artists and Palms State) and the Madison, all in the downtown district.

Joseph Busic, recent manager of the Fisher, takes over that house and additional supervision of Riviera, Annex, Regent, Norwest and Varsity. The third district manager is Asher Shaw, who will have under his wing the Broadway Capitol, Vogue, Cinderella, Alger, Ramona, Rosedale and Birmingham, some in suburban Detroit.

Falling in line with these changes was the appointment of Rufus Shepherd, manager of the Vogue, to manage the Fisher; Frank Upton, from the Riviera, to manage the Films State; Donald Dunn, from manager of the Ramona, to the Riviera; Robert Sallers from the Annex to the Ramona; Cassius Smith from the Norwest to manage the Annex; Seymour Gruber, assistant of the Ramona, to manager of the Norwest; Don Kuhn, who managed the Palms State, now will manage the Broadway Capitol.

Dow Thompson, manager of the United Artists who resigned to open a theatre of his own in California, will be succeeded by Frank Perry, manager of the Regent; Gil Green, manager of the Varsity, will now manage the Regent; Grand Hawkins, assistant manager of the United Artists, will take Green's place as manager of the Varsity, while Leo Ward, assistant manager, Birmingham, will take Joe Bonino's place as manager of the Rosedale. Bonino takes over the post as manager of the Alger, while James Easson, who managed the Alger, goes to the Vogue to fill the shoes of Rufus Shepherd as manager.

OHIO ITO CONVENTION OPENS TODAY (WED.)

Columbus, Oct. 29. Annual convention of the Ohio ITO opens tomorrow (30) at the Deshler Wallick Hotel, speakers for initial session will be: Abram F. Myers, co-president, National Allied Sides, Samuelson, Philadelphia member of A.I.D., committee, and Arthur W. Kelly, general sales manager for United Artists. In the evening a testimonial dinner will be tendered Martin C. Smith, Toledo, president of the ITO, and for the past 20 years one of the most active independent exhibitors in the state. Toastmaster will be Judge Arthur A. Day of the Ohio Supreme Court. Universal is sending a print of 'Seven Sinners' for special showing to the convention following the banquet.

Secretary P. J. Wood's Question & Answer Forum, one of last year's most popular features, will take the spotlight Thursday (31). Metro's H. M. Richey is scheduled to speak Thursday night the convention will move to the Broad theatre as guests of Loew's in viewing 'The Dictator'. Opening date was moved up one day so as to enable out-of-town exhibitors to catch the Chaplin production.

Rep.'s Stringent Economy Reins May Be a Model for Other Studios On How to Control Prod. Budgets

Hollywood, Oct. 29. Eyes of major film company executives are momentarily trained on Republic, which, apparently, has developed a system of insured profits on its product. The Herbert Yates outfit in other words, nowadays knows approximately what each picture will gross even before the cameras start turning.

Plan was originated several months ago by Yates and has yet to register its first fallout. It has James R. Grainger, Rep sales chief as its pivotal figure, and provides him with an important voice in all production confabs.

Therein, however, lies the very stumbling block that might make the scheme unfeasible for the bigger studios, where jealousies between production and distribution divisions loom as bars for bringing the two factions together in the close working harmony that link Rep's lensing and selling forces.

The whole thing, insofar as Rep is concerned, goes back to October, 1939, when Yates came west for his first visit, to studio following the outbreak of hostilities between Eng-

land and Germany. Rep's British market, Yates knew, would mean little in the future in the way of actual cash returns. Continental countries, where Rep had been garnering small, yet helpful takes, had already been blacked out. There was no use in building false hopes, Yates admitted, but rather the thing to do was to put Rep on a war-time basis.

Sample the Public Taste

His first move was to revamp the studio's production schedule, which had been announced the previous May for the entire 1939-40 season. He called sectional meetings of his franchise-holders and exchange managers, obtained their views on what the public would go for and what it would spurn. Then he set his production slate for the next three months, leaving Rep free and ready to meet changing trends in customer tastes.

His next step was to bring Grainger, who had been presiding over the distributor sessions, into the production council, which is now comprised of himself, Grainger and M. J. Siegel, Rep's production chief. But there's more to the Yates take-the-gamble-out-of-talker-making-idea than the staging of mere gabfests by this trio of production lords. Its actual operation begins much farther down the ladder.

Alfred Cohen, Rep's story editor, buys the yarns or hires the writers to develop originals around ideas submitted by himself, Yates, Grainger, Siegel or by Rep's individual producers. Material is then turned over to scenario writers working under the supervision of Cohen as the producer to whom it is assigned.

Pick It to Pieces

When the script is completed it is sent to the three-man production council. Yates, Grainger and Siegel get together either in New York or on the Coast, and to use their own words, 'pick the screenplay to pieces.' They decide on the strength of estimates submitted by Grainger how much they can afford to spend for mounting, for a director and for players. Perhaps the vehicle was designed for a low bracket budget, but Grainger sees possibilities of expanding the investment, through script changes and buildups, that will permit added outlay for the signing of name players for the top roles. Perhaps, after the production board has thrashed the matter out from all angles a bit of rewriting will make the screen play worthy of a high-salaried director. It is not unusual for the body to boost a script aimed at a \$200,000 to \$250,000 appropriation into a \$500,000 feature.

No production allotment, though, is set until after Grainger has assured Yates and Siegel that he can bring it back in rentals, plus a profit. Result is that all guesswork has been eliminated from Rep's production activities.

The Yates method is tough on personal ambition, another angle that could easily serve to make difficult its inauguration in the plants of Rep's huckster brothers. Once a Rep producer has a picture he'd like to see made into a high budgeter. He has tentatively pencilled in the name of an outside director who would demand considerable coin. He also has some notions on star personalities. But unless Yates, Grainger and Siegel decide that the vehicle is worthy of the extra outlay, he is forced to swallow his pride and being in the picture at a much smaller cost than he had been fighting for.

Dressing Down for Flareups

Temperament is banned from the Rep lot. Decisions of the production council are final. Producers are aware that they may take 'em or leave 'em, and they usually do the former—and do it with a smile. Scope of the major companies' interest in Rep's forward march was driven home to Hollywood two weeks ago, when Paramount reached out and signed Sol Siegel, brother of Moe Siegel, and the Yates lot's No. 1 producer. He reports to Par within 10 days.

Meanwhile, his unfinished chores at Rep are being split up among producers already on the payroll. They've been trained to make pictures the Yates-Grainger-Moe Siegel way, which means the burying of individualism for the benefit of the organization as a whole.

BOSTON TO BE 23D VARIETY CLUB LINK

Pittsburgh, Oct. 29. John H. Harris, national head of Variety Clubs of America, has just received a charter application from Friars Club of Boston, six-year-old organization of showmen in Hub. Group reorganizing as Variety Club of Massachusetts and will make Tent No. 23 in the growing Variety Club chain.

Understood there'll also be applications from Los Angeles, Chicago and possibly New York before convention next spring in Atlantic City.

Stearn Heads Cleveland Variety

Cleveland, Oct. 29. Retirement of Nat Letton and election of Bert Stearn, division manager of United Artists here, as chief barker of Variety Club for 1940-41 to take his office was highlight of a session Saturday (26) that brought out every voting man in the club. Lester Zucker coasted in easily to become first vice-pres.; Frank Drew second vice-pres.; Frank Boyd secretary and I. J. Schmertz treasurer. To the board of directors were appointed Stearn, Boyd, Jerome Friedlander, M. B. Horwitz, Drew, Dave Miller, Schmertz, John D. Kalafat, Harry H. Goldstein, Zucker and P. E. Essick. Installation of new officers taking place Jan. 1.

Jackson Heads Columbus Tent

Columbus, Oct. 29. Newly elected chief barker of the Columbus Variety Club (Tent No. 2) is Virgil Jackson, president of the Central States theatre circuit. On Jan. 1 he will replace C. Harry Schreiber, city manager for RKO. Other officers for 1941 will include: Harold Eckert, dramatic critic for the Ohio State Journal, first vice-president; Leo Yassenoff, F. & Y. Theatre Division, second vice-president; J. F. Luft, Grand treasurer; P. J. Wood, secretary, ITO of Ohio, secretary.

Directors will be: Russ Bovim, Loew's Ohio theatre; Milt Staub, Gustav Hirsch Organization; Bill Cunningham, dramatic critic for the Citizen; Max Stearn, Southern Theatre, Tent No. 37; George Anagnos, Greyston Skateland; Bill Pullin, sr., Linden theatre, the officers and retiring chief barker. Jackson and Schreiber will be delegates to the national convention, Jones and Cunningham alternates.

Pullin was again named national canvassman.

20th's Realty Tax Beef

20th Century-Fox Film Corp. has filed a squawk with the N. Y. supreme court against the N. Y. City Tax Commission, claiming it was overassessed \$210,000 on two pieces of property in New York City. One is the 20th-Fox office building at 444 West 56th street, while the other is not identified other than by a statement that the building contains a loft.

20th was assessed \$1,145,000 for the buildings, while it claims their value to be \$935,000.

Gary Cooper Inspired Par to Buy His Pal Hemingway's 'Bell Tolls'

Chicago, Oct. 29.

Gary Cooper's persuasive salesmanship on Y. Frank Freeman, Paramount v.p. in charge of production, is understood to have brought about the purchase by Par last week of Ernest Hemingway's novel, 'For Whom the Bell Tolls.' Cooper, who is available to do the picture for Par, will probably be started in the Hemingway story.

Player and author are personal friends and, it is said here, talked over Hemingway's desire to see Cooper in the part at Sun Valley, where the writer vacationing. Cooper came here from the resort to attend the preem of 'North West Mounted Police' and put the bug on Freeman during the festa.

Freeman, it is understood, did some hurried telephoning, including a talk with Hemingway himself, and ordered the book purchased after groundwork for the deal had been laid with Maurice Speiser, author's attorney, by Par's production and story heads in New York.

Total Price for Book Likely to Be \$150,000

Paramount last week paid the all-time record price for screen rights to a book in purchasing Ernest Hemingway's 'For Whom the Bell Tolls.' Deal was for \$100,000 cash, plus 10c. for each copy sold. There is no time limit within which the books must be disposed of, but there is a top figure of \$150,000 set on what Par must pay.

On the basis of book sales, Hemingway starts right off with approximately \$200,000 in addition to his \$100,000 cash, inasmuch as about 200,000 volumes have already been sold. Book-of-the-Month Club has taken about 150,000, while almost another 50,000 have been sold over the counter, virtually using up the original 300,000 print order. Second edition is now on the presses.

Informed sources in New York are certain that the 500,000 copies necessary to bring Par's purchase price to \$150,000 will be sold. That's despite the fact that only one book in recent times has gone to a half-million copies, 'Gone With the Wind.' 'Action' Advance is \$300,000.

Only one other book has ever been purchased by films on a sliding-scale based on copies sold. That was 'Escape,' by Ethel Vance, which Metro purchased last year. When the time came, however, to work out details of the contract, it became so involved that a flat price of \$80,000 was agreed upon and the sliding-scale thrown out.

Possibility that the same thing may happen on 'For Whom the Bell Tolls' is foreseen as no agreement has been reached on whose figures are to be used for books sold. If they are the wholesaler's, then they don't accurately reflect copies in the hands of the public, for books may sit on shelves of shops all over the country for years. On the other hand, to get figures from thousands of book stores is virtually impossible.

RKO's \$110,000 for 'Cimarron' was previous high for screen rights to a novel. Second top was \$100,000 Metro gave for Fannie Hurst's 'Great Laughter,' which it has never made. Running up the 'Tolls' price, of course, was desire of virtually all companies to buy it. Donald Friede of Myron Selznick office was handling Coast end of transaction and Maurice Speiser, Hemingway's attorney, the eastern angle.

Gary Cooper in New York yesterday (Tuesday) admitted his interest in working in the 'Tolls' filmization. He said he had read the book while at Sun Valley with Hemingway and is very much impressed with it. He also admitted his availability. When he returns to the Coast from a two- or three-week vacation in the east, he said, there's nothing definite on his slate, although he may go into 'Sergeant York' at Warners. Cooper declared his appearance in Hemingway's earlier story, 'Farewell to Arms,' had worked out so pleasantly he'd look forward to being in 'Tolls.'

Robert Sherwood is reported being sought for screen adaptation. Another purchase, although of considerably lesser scale, by Par last week was Katharine Brush's story, 'You Go Your Way.' It's a three-

part serial, for which several magazines are now negotiating. It probably goes to the Satevepost or Ladies Home Journal. Price hinges on magazine sale, although it was written primarily with screen in mind.

Other Story Buys

20th-Fox last week paid \$25,000 for 'Repentless the Earth,' a novel of Wall Street, by Stephen Longstreet. Title is tentative, as book is to be published by Random House, won't be out until next spring. Fox bought it from the first draft. Kenneth MacGowan will produce.

Apparently to stifle rumors that Frank Nugent, former N. Y. Times film critic, was leaving the Fox lot, it was promptly announced that he has been assigned to do the treatment and screenplay on 'Repentless.' Deal is in the making for the author also to work on it.

20th-Fox purchased Varen Bell's novel, 'Swamp Water.'

Metro bought 'The Vanishing Virginian,' by Rebecca Yancy Williams. Columbia acquired 'Pack Up Your Troubles,' by Carleton Brown and Taylor Caven.

Wobber

Continued from page 4

tributor must give all competitive buyers the opportunity to bid for each group.

Need Sell in Group of Five

'We do not have to sell in groups of five but we cannot sell or offer to sell any group of more than five.'

I should think that in the interest of convenience and economy as many pictures as possible would be screened at one time. Their grouping, however, would be a matter for the distributor to decide.

I can't tell at this time whether more pictures will be sold individually. There are so many factors involved that I don't think any positive opinion could be hazarded.

'As to franchises, I understand that franchise agreements entered into prior to June 6, 1940, will not be affected by the decree.'

(Signed) Herman Wobber.

Agnew, Rodgers Away

Out-of-town recently, and also pressed by important distribution matters, Neil F. Agnew, in charge of sales for Paramount, has not indicated his position or views but reported he has already determined on the distribution machinery and methods that will govern Par in the selling of film for 1941-42 under the consent decree.

Opinion of William F. Rodgers, general sales manager of Metro, awaits his return from the Coast.

Grad Sears, Warner distribution chief, says that 'in spite of the excellent opportunity offered me, I do not care to stick my neck out.' After the decree is signed, he adds, there will be plenty of time for study and planning film distribution under the terms of the decree.

RKO's v. p. in charge of distribution, Ned E. Depinet, considers that questions concerning the consent decree are 'premature at this time' and, for that reason, he wishes to withhold any comment at this time.

RKO Shakeup

Continued from page 7

more essential screen fare. One of its results will be the diversion of more money into the program supervised by Lee Marcus, executive producer, whose output will be increased to 14 features for the balance of the 1940-41 season, with heavier budgets.

One of the beneficiaries of the budget-upping is 'They Met In Argentina,' originally bracketed at \$250,000 and raised to \$475,000. Slated to start Nov. 18, it carries a complete musical score by Rodgers and Hart, with Lou Brock producing. Currently the studio has five features in work, 'Mr. and Mrs. Smith,' 'Kitty Foyle,' 'Three Girls and a Guy,' 'Debutantes, Inc.' and added scenes on 'Citizen Kane.'

Towne and Baker have completed three features for RKO. Hawks, who has a partnership deal with Colman, is slated to move to 20th-Fox. Lloyd has no immediate deals for the future but plans to continue making pictures. Piazza is likely to form a production unit of his own with RKO as a distribution outlet.

fluke. Russell Collier, Fred Sealley, Jack Keany, Fay Helm, A. S. 'Pop' Byron, Herbert Vigron.

TEXAS RANGERS RIDE AGAIN, formerly **TEXAS**, formerly **TEXAS RANGERS RIDE AGAIN**, western drama; GMMO production; director, James Hogan; script, William R. Lipman and Hance McCoy; camera, Archie Stout. Cast: John Howard, Ellen Drew, May Robson, Broderick Crawford, John Miljan, Charley Grapewin, Anthony Quinn.

A NIGHT AT EARL CARROLL'S, musical; GMMO production; asso. producer, Earl Carroll, director, Kurt Neumann; orig. screen play, Lynn Starling; camera, Leo Tover. Cast: Ken Murray, Rose Hobart, Blanche Stewart, Elvia Allman, Earl Carroll, J. Carroll, Naish, Russell Hicks, William Davidson, Forbes Murray, Ralph Emerson, Allen Cavan, George McKay, Lillian Cornell, Jack Norton, Truman Bradley, Betty Wallace, Ruth Rogers, Betty McLaughlin, John Laird, Sam Ash, Kay Sutton, Mary Lou Cook, Florine McKinney, Wanda McKay, Jean Phillips, Lela Moore, Emory Parnell, Ray Walker, Billy Gilt, Vera Lewis.

THREE MEN FROM TEXAS, western, producer, Harry Sherman; director, George Arthur; director, Tim Whelan; screen play, Howard J. Green; camera, Ted Tetzlaff. Cast: Basil Rathbone, John Howard, Martin Kosleck, Ellen Drew, Barbara Jo Allen, Ralph Morgan, George E. Stone, William Davidson, Dick Cuthbert, Hance McCoy, Billy Benedict, Henry Victor, Douglas Kennedy, Frances Raymond, Harry Hayden, Harry Bailey, John Laird, James Seay, Ben Taggart, Ned Norton, Max Wagner, Edward Earle, Hugh McKay, Lillian Cornell, Kay Sutton, Truman Bradley, Betty Wallace, George Chandler, Norma Varden, Jacques Vanaire, Laura Treadwell, William J. Kline, Larry McGrath, Billy Wayne, Johnnie Morris, George Walcott, Paul Kruger, Philip Morris, Eddie Dunn, Dorothy Dayton.

VICTORY, drama; producer, Anthony Veiller; director, John Cromwell; script, John L. Balderston; based on play by Joseph Conrad; camera, Leo Tover. Cast: Fredric March, Betty Field, Jerome Cowan, Margaret Wycherly, Sig Ruman, Fritz Feld, Rafaela Ottiano, Lionel Royce, William Stack, Sir Cedric Hardwicke, Tommy Lee, Luke Chan, George Rosendor, Chester Gann, Jack Winn, Gus Reed, Alan Ladd, Sam Ash, Major McBride.

THE NEW YORKERS, comedy-drama; prod., Paul Jones; dir., Preston Sturges; script, Preston Sturges; camera, Victor Milner. Cast: William Powell, Ellen West, Raymond, Ward, William H. Chas. Alexander, Carr, Ernest Truex, Franklin Pangborn.

THERE'S MAGIC IN MUSIC, musical drama; prod., dir., Andrew Stone; no writing credits; camera, Theodore Sparkuhl. Cast: Allan Jones, Susanna Foster, Frank Cavett, Robert Paige, Richard Dix, Margaret Lindsay, Tandy Mackenzie, Lynne Overman, Fay Helm, Herma Haito, Kay Connor, William Chapman, Dolly Loehr, Patricia Trevers, Baby Mary Ruth, Astrid Allwyn, Rosella Towne, Hobart Cavanaugh, Ruth Rogers, Eddie Dunn, Ernest V. Egan, Emmett Vogan, Charles Bimbo, Sid D'Albrook, Russ Collier, Jane Keckley.

SECOND CHORUS, musical; Benny Morris-Robert Stillman production; dir., Henry C. Potter; orig. story, Frank Cavett; screen play, Frank Cavett, Frank Cavett; camera, Theodore Sparkuhl. Cast: Fred Astaire, Paulette Goddard, Artie Shaw and ork; Burgess Meredith, Charles Butterworth, Frank Melton.

VIRGINIA, drama, in Technicolor; prod.-dir., Edward H. Gribble; screen play, Ted H. Griffith; screenplay, Virginia Upp; camera, Bert Glemmon; Technicolor camera, William V. Skall. Cast: Madeleine Carroll, Fred MacMurray, Stirling Hayden, Paul Hurst, Tom Rutherford, Marie Lorraine, Carolyn Lee, Louise Beavers, Leigh Whipper, Doye Loma.

LOVE THY NEIGHBOR, comedy; prod.-dir., Mark Sandrich; no writing credits; camera, Ted Tetzlaff. Cast: Jack Benny, Fred Allen, Mary Martin, Eddie (Rochester) Anderson, Ted Tetzlaff, Theresa Harris, The Merry Macs, Richard Denning, Russell Hicks.

THE SOUND UP, western; prod., Harry Sherman; based on story by Edmund Day; camera, Russell Harrison. Cast: Richard Dix, Fred Astaire, Patricia Morison, Ruth Donnelly, Don Wilson, Douglas Dumbrille, Jerome Cowan, Betty Brewer, Dick Curtis.

D. O. A. (tentative title), melodrama; asso. prod., Jack Moss; dir., Stuart Heister; orig. screen play, Stuart Heister; camera, Victor Milner. Cast: Ellen Drew, Rod Cameron, Phil Terry, Onslow Stevens, Paul Lukas, Frank Thomas, Sr., Minor Watson, Joseph Calleia, Robert Paige, George F. Meader, Marc Lawrence, Willard Robertson, Gerald Mohr, George Zucco, Matty Pairs, Tom Dorian, Cort Wright, Morris, Cliff Edwards, Knox Manning, Sammy Blum.

DOOMED CARAVAN, western; asso. prod., Harry Sherman; dir., Leslie Selander; screenplay, Johnston McCulley and J. Benton Cheney; camera, Russell Harrison. Cast: William Boyd, Russell Hayden, Andy Clyde, Minna Gombell, Morris Ankrum, Georgia Hawkins, Trevor Bardette, Paul O'Brien, Ray Bennett, Jose Portosa, Martin Garralaga.

Paramount Pix New in Production

I WANTED WINGS, melodrama; asso. prod., Arthur Hornblow; dir., Ted Reed; orig. Lieut. Beirne Lay, Jr.; screenplay, Lieut. Com. Frank Wead; camera, Leo Tover. Cast: Ray Milland, William Holden, Wayne Morris, Brian Donlevy, Bronson, Lake, Constance Moore, Phil Brown, Harry Davenport, Richard Webb, Herbert Rawlinson, Hedda Hopper, Richard Lane, Charles D. Brown, Jack Chaplin, Charles Drake, Alan Hale, Jr., Remick, May, Harold Ward.

SHEPHERD OF THE SHEEP, drama in Technicolor; asso. prod., Jack Moss; dir., Henry Hathaway; orig. Harold Bell Wright; screen play, Stuart Anthony; camera, Charles Lang, Duke Green. Cast: John Wayne, Betty Field, Harry Carey, James Barton, John Qualen, Billy Gillette, William B. Davidson, Mary Jorie Main, Samuel S. Hinds, Tom Fadden, Dorothy Adams, John Harmon, Carl Knowles.

REACHING FOR THE SUN, drama; asso. prod. and dir., William Wellman; no writing credits; camera, William Mellor. Cast: Fred Astaire, Ellen Drew, Eddie Bracken, Albert Dekker, Billy Gilbert.

YOU'RE THE ONE, comedy; asso. prod., Gene Markey; dir., Ralph Murphy; no writing credits; camera, Ted Tetzlaff. Cast: Orin Tucker, Bonnie Baker, Albert Dekker, Eddie Bracken, Helen Brown, Cornelius, Riano, Jerry Colonna, Teddy Hart, Marie Blake, June Gauda, Wanda McKay, Gerald Oliver Smith, Sammy Cohen, Eddie Conrad, Charles Williams.

IN OLD COLORADO, formerly **BULLETS AND BANDITS**, western; Harry Sherman production; dir.,

Howard Brotherton; no writing credits; camera, Russell Harrison. Cast: William Boyd, Russell Hayden, Andy Clyde, Dana Dale.

THE LADY EVE, drama; asso. prod., Paul Jones; dir., Preston Sturges; no writing credits; camera, Victor Milner. Cast: Henry Fonda, Barbara Stanwyck, Charles Coburn, Eugene Pallette, William Demarest, Eric Blore, Jack Beecher, Luis Alberni, Robert Clegg, Martha O'Driscoll.

RKO-Radio

Studios	From-Ised	Com-pleted	Shoot-ing	New-Cutting	To Be-Shot
Westerns	37	15	0	2	2
The Play's the Thing	4	0	0	0	4
Harold Lloyd	1	0	1	0	0
Stephens-Lang	1	0	0	0	1
Walt Disney	1	0	0	0	1
Totals	52	18	6	9	34

Pictures in cutting rooms or awaiting release:

WILDCAT BUS, meller; asso. pro., Cliff Reid; dir., Frank Woodruff; script, Lou Lusty; camera, Jack McKenzie. Cast: Fay Wray, Charles Lang, Paul Guilfoyle.

IT'S STILL ALIVE, comedy; asso. prod., Frederic Ulman, Jr.; dir., Irving Reis; original story and screen play, Edmund North; camera, J. Roy Hunt. Cast: Kent Taylor, Linda Hayes, Howard da Silva, Ralph Morgan, Alec Craig, Don Dillaway, Edith Wilson.

THE FARGO KID, western; asso. prod., Bert Gilroy; dir., Edward Kelly; screen play, Morton Grant, Arthur V. Jones; camera, Harry Wild. Cast: Tim Holt, Ernest Lynn, Jane Drummond, Cyrus W. Kenball, Ernie Adams, Paul Seardon, Glenn Strange, Mary McLaren, Paul Fix, Dick Hogan.

LITTLE MEN, drama; prods., Gene Townie and Graham Baker; dir., Norman McLeod; story and screen play, Gene Townie and Graham Baker; camera, Nick Musuraca. Cast: Kay Francis, Jack Oakie, George Bancroft, Jimmy Lydon, Alan Gillis, Charles Esmond, Richard Nichols.

LIT LARK, comedy; prod., Lew Ostrow; dir., Albert S. Rogell; from novel by Al Catti; screen play, Charles Kerr, Tracy Johnson; camera, Harry Jackson. Cast: Granville Owen, Mona Ray, Johnny Morris, Al St. John, Eddie Borden, Reini Riano, Wallace Reid.

FOR RICHES, comedy drama; asso. prod., William Stephens; dir., Eric C. Kenton; orig. Lee Leeb. Cast: Jean Hersholt, Dorothy Lovett, Edgar Kennedy, Billy Gilbert, Reini Riano, Barry McCollum, Maude Eburn.

NO, NO, NANETTE, musical; asso. prod. and dir., Herbert Wilcox; adaptation, Ken Englund; camera, Russell Metty. Cast: Anna Neagle, Richard Carlson, Victor Mature, Roland Young, Helen Broderick, ZaSu Pitts, Eve Anderson, Tamara.

GOULD BOND, musical comedy; prod.-dir., David Butler; orig. screenplay, David Butler, James V. Kern; camera, Frank Redmond. Cast: Kay Kyser ork, Boris Karloff, Peter Lorre, Dennis O'Keefe, Bela Lugosi, George E. Stone, Richard Dix.

LET'S MAKE MUSIC, formerly **LET'S FIND A SONG**, formerly **MALVINA SWINGS IT**, musical; asso. prod., Howard Benedict; dir., Les Goodwins; screenplay, Nat West; camera, Jack McKenzie. Cast: Gene Crosby, Jean Rogers, Keith Riedeen, Joseph Buloff, Joyce Compton, Benny Bartlett, Louis Jean Heydt, Frank Ork, Grant Withers.

RKO Pix New in Production

CITIZEN KANE, drama; prod., dir., story, Orson Welles; camera, Gregg Toland. Cast: Orson Welles, Dorothy Comingore, Ruth Warrick, Joseph Cotten, Gene Raymond, Richard Stone.

KITTY FOYLE, drama; asso. prod., David Hempstead; dir., Sam Wood; novel by Christopher Morley; adaptation, Donald Ogden Stewart and Dalton Trumbo; camera, Edward DeGraf. Cast: Ginger Rogers, Dennis Morgan, Ernest Cossart, Gladys Cooper, Edouard Clandell.

MR. AND MRS. SMITH, comedy; exec. prod., Harry Edington; dir., Alfred Hitchcock; screen play, Norman Krassa. Cast: Carole Lombard, Robert Montgomery, Gene Raymond, Adele Pearce, William Tracy, Charles Halton, Esther Dale.

PLAY GIRL, formerly **DEBUTANTE, INC.**, rom. drama; asso. prod., Cliff Reid; dir., Frank Woodruff; screen play, Jerry Cady; camera, Nick Musuraca. Cast: Kay Francis, James Ellison, Mildred Cohn, Nigel Bruce, Margaret Hamilton, George P. Huntley, Katherine Alexander, Charles Quigley, Georgia Carroll.

THREE GIRLS AND A GUY, comedy; Harold Lloyd, prod.; dir., Richard Wallace; adaptation, Grover Jones; camera, Merritt Gerstad. Cast: George Murphy, Lucille Ball, Edmond O'Brien, George Cleveland, Kathleen Howard.

THE SAINT AT PALM SPRINGS, formerly **THE SAINT'S VACATION**, drama; asso. prod., Howard Benedict; dir., Jack Hively; screenplay, Leslie Charteris. Cast: George Sanders, Wendie Barrie, Paul Guilfoyle, Jonathan Hale, Arthur Loft, Frank O'Connor, Linda Hayes.

Republic

Features	From-Ised	Com-pleted	Shoot-ing	New-Cutting	To Be-Shot
Serials	26	27	1	6	18
Serials	32	9	0	7	1
Totals	62	17	2	14	35

Pictures in cutting rooms or awaiting release:

TULSA KID, western; producer-director, George Sherman; no writing credits; camera, John MacBorne. Cast: Don 'Red' Barry, Luana Walters, Noah Berry, David Durand.

KING OF THE ROYAL MOUNTED, serial; asso. prod., H. S. Brown, Jr.; co-dirs., Jack English, Wm. Witney; no writing credits; camera, Wm. Nobles. Cast: Alan Lane, Herbert Rawlinson, Bob Kelard, Lita Conway, Robert Strange, Harry Wadsworth, Harry Cording.

YOUNG BILL HICKOK, western; asso. prod. and dir., Joseph Kane; orig. screen play, Norton E. Parker; camera, Bill Nobles. Cast: Roy Rogers, George Hayes, Jacqueline Wells, Sally Payne, John Miljan, Hal Talfer, Archie Twitchell, Jack Ingram, Monte Blue, Monte Montana, Fred Burns.

IT PARADE, musical; asso. prod., Sol C. Siegel; dir., John H. Auer; orig. screen play, Bradford Ropes. Cast: Gene Herbert, Mary Kay, George, Jack Maria. Cast: Frances Langford, Kenny Baker, Mary Boland.

(Continued on page 22)

**MORE EXCITING FOR
CINCINNATI THAN THE DAY
THEY WON THE SERIES!**

World Premiere—Fri., Nov. 1
TYRONE POWER
THE MARK



Albee Theatre — Shubert Theatre

In his own home-
town ... Tyrone
Power in person!

Three nation-wide
broadcasts (climaxed
by Kate Smith Hour
Friday 8-9 p. m. EST
over CBS)!

Civic luncheon
sponsored by
Mayor Stewart!

Costume ball at
Netherland Plaza!

Receptions! Press
luncheons! Rousing
celebrations!

**MORE EXCITING FOR THE BOX-
OFFICE THAN ANY PICTURE THIS
GREAT STAR EVER MADE!**

Advance Production Chart

(Continued from page 20)

Hugh Herbert, Ann Miller, Patsy Kelly, Borah Mine-witch, Jan Garber ork.

FRIENDLY NEIGHBORS, comedy; asso. prod., Armand Schaefer; dir., Nick Grinde; screen play, Dorrell and Stuart McGowan; camera, Ernie Miller. Cast: Weaver Bros. and Elvyn, John Hartley, Lois Ranson, Spencer Charters.

WHO KILLED AUNT MAGGIE?, melodrama; asso. prod., Albert Cohen; dir., Arthur Lubin; orig. by Medora Field; screen play, Stuart Palmer; camera, Reggie Lanning. Cast: John Hubbard, Wendy Barrie, Edgar Kennedy, Elizabeth Patterson, Walter Abel, Willie Best, Tom Dugan.

TRAIL BLAZERS, western; asso. prod., Harry Grey; dir., George Sherman; no writing credits; camera, Bill Nobles. Cast: Bob Livingston, Bob Steele, Rude Davis, Pauline Moore, Weldon Heyburn, Carroll Nye.

MELODY RANCE, western; asso. prod., Sol C. Siegel; dir., Joseph Santley; no writing credits; camera, Joe Austin. Cast: Gene Autry, Jimmy Durante, Ann Miller, George Hayes, Mary Lee.

MEET THE MISSUS, comedy; asso. prod., Robert North; dir., Malcolm St. Clair; camera, Ernie Miller. Cast: Roscoe Karns, Ruth Donnelly, Polly Moran, Lois Ranson, Dorothy Ann Sesse, Spencer Charters, Alan Ladd, George Ernest.

TEXAS TERRORS, formerly **TWO-GUN SHERIFF**, western; asso. prod. and dir., George Sherman; orig. screenplay, Doris Schroeder and Anthony Colowedy; camera, John W. Brown. Cast: John W. Brown, John Archer, Rufe Davis, The Kidoodlers, Isabelle Randolph (Mrs. Uppington), Caroline DeZurik and Mary Jane MacLean (The Cuckles Sisters), Dorothy Harrison, Joan Woodbury, Jim Jeffries.

BARNYARD FOLLIES, rural comedy; asso. prod., Armand Schaefer; dir., Frank McDonald; orig. screenplay, Dorrell and Stuart McGowan; camera, Ernie Miller. Cast: Mary Lee, Pappy Chase, June Storey, John Archer, Rufe Davis, The Kidoodlers, Isabelle Randolph (Mrs. Uppington), Caroline DeZurik and Mary Jane MacLean (The Cuckles Sisters), Dorothy Harrison, Joan Woodbury, Jim Jeffries.

BORDER LEGION, formerly in **OLD CHEYENNE**, western; asso. prod. and dir., Joseph Kane; no writing credits; camera, Carl Martin. Cast: Roy Rogers, George Hayes, Carol Hughes, Maude Eburne, Joe Sawyer, Jay Novello, Hal Taliaferro.

REPUBLIC PIX NEW Production

MYSTERIOUS DR. SATAN, serial; asso. prod., H. S. Brown, Jr.; dir., William Witney and Jack English; no writing credits; camera, Wm. Nobles. Cast: Robert Wilcox, William Newell, Dorothy Herbert, Ella Neal, Walter McGrath, Paul Marion.

A FLAFOCK NEEDS A FLA, drama; asso. prod., Robert North; dir., Joseph Santley; orig. by Dore Schary and Allen Rivkin; screenplay, Isabel Dawn and Boyce DeGaw; camera, Jack Martia. Cast: Lloyd Nolan, Doris Davenport, Frank Albertson, Robert Armstrong, Paul Harvey, Charles Halton.

20th Century-Fox

	Prom- ised	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Features	40	13	3	19	15
Actions	7	2	0	2	3
Westerns	7	4	0	2	1
Serials	4	2	1	2	0
Frank Lloyd	3	0	0	0	3
Totals	61	21	4	12	27

Pictures in cutting rooms or awaiting release:

FOR BEAUTY'S SAKE, comedy-drama; prod., Lucien Hubbard; dir., Shepard Traub; screen play, Wanda Tuckoh, Ethel Hall, Walter Bullock; camera, Charles Clarke. Cast: Ted North, Marjorie Weaver, Richard Lane, Lenita Lane, Ned Sparks, Joan Davis, Pierre Watkin.

CHARLIE PILOT, comedy-drama; ex. prod., Sol Wurtzel; dir., Eugene Forde; screen play, Stanley Rauh, Lester Ziffren; camera, Lucien Andriot. Cast: Lynn Bari, Lloyd Nolan, Arlene Whelan, George Montgomery, Robert Cargill.

YOUTH WILL BE SERVED, comedy with music; asso. prod., Lucien Hubbard; dir., Otto Browner; screen play, Wanda Tuckoh; camera, Edward Cronjager. Cast: Jane Withers, Robert Conway, Jane Darwell, Elvyn Knox, Lillian Paster, Joyce Bryant.

MURDER OVER NEW YORK, formerly **CHARLEY CHAN IN NEW YORK**, meller; ex. prod., Sol Wurtzel; dir., Harry Lachmann; no writing credits; camera, Virgil Miller. Cast: Sidney Toler, Marjorie Weaver, Sen Yung, Joan Sutton, Donald Macdonald, Mae Sondergaard.

JENNIE, comedy drama; prod., Sol Wurtzel; dir., David Burton; no writing credits; camera, Virgil Miller. Cast: Virginia Gilmore, Dorris Bowden, George Montgomery, Rand Brooks, John Valeris, William Henry.

THE MARK OF ZORRO, formerly **THE ALPHE-RIAN**, drama; asso. prod., Raymond Griffith; dir., Rouben Mamoulian; based on story by Johnson McCully; screenplay, John Tainter Foote; adaptation, Garrett Fort; camera, Arthur Miller. Cast: Tyrone Power, Linda Darnell, Basil Rathbone, Gene Sondergaard, Eugene Pallette, J. Edward Bromberg, Montague Love, Janet Beecher.

HUDSON'S BAY, drama; asso. prod., Kenneth Macgowan; dir., Irving Pichel; orig. by Lamar Trotter; camera, Peverell Markey. Cast: Paul Muni, Gene Tierney, John Sutton, Virginia Field, Nigel Bruce, Vincent Price, Laird Cregar, Chief Thundercloud.

CHAD HANNA, drama; in Technicolor; asso. prod., Nunnally Johnson; dir., Henry King; screenplay, Nunnally Johnson; story by Walter D. Edmunds; camera, Ernest Palmer, Ray Rennahan. Cast: Henry Fonda, Linda Darnell, Mary Beth Hughes, John Carradine, Guy Kibbee, Jane Darwell, Eddie Collins, Ted North, Kenton Howard.

ROMANCE OF THE RIO GRANDE, western; asso. prod., Sol Wurtzel; dir., Herbert I. Leeds; no writing credits; camera, Charles Clarke. Cast: Cesar Romero, Ricardo Cortez, Patricia Morison, Chris-Pan Martin, Lynne Roberts, Pedro de Cordoba, Aldrich Bowker, Joseph MacDonnell, Ralph Benney, Inez Palange.

GOLDEN ROOFS, drama; asso. prod., R. Dietrich and Walter Morosco; dir., Lynn Shores; camera, Lucien Andriot. Cast: Jane Withers, Charles Rogers, Katharine Aldridge, Robert Conway, Robert Shaw, Cliff Clark, Edward MacGowan, Philip Hurlin, Buddy Pepper.

CORNBOLD KELLY'S BENEFIT, comedy; asso. prod., Sol M. Wurtzel; dir., Norman Foster; camera, Virgil Miller. Cast: Marvin Stephens, Rita Quigley, Eugene Pallette, Richard Lane, Dorothy Peterson, Charles D. Brown, Frank Burke, Lee Murray.

MICHAEL SHAYNE, PRIVATE DETECTIVE, formerly **PRIVATE PRACTICE OF MICHAEL SHAYNE**, drama; ex. prod., Sol Wurtzel; dir., Eugene Forde; screenplay, Stanley Rauh and Manning O'Connor; based on novel by E. J. Connelley; camera, George Schneiderman. Cast: Lloyd Nolan, Marjorie Weaver, Donald McBrille, Elizabeth Patterson, Walter Abel, Douglas Dumbrille.

TIN PAN ALLEY, musical; asso. prod., Kenneth MacGowan; dir., Walter Lang; screenplay, Robert Ellis and

Helen Logan; based on story by Pamela Harris; camera, Leon Shamroy. Cast: Alice Faye, Betty Grable, Jack Oakie, John Payne, Allen Jenkins, Ben Carter.

20th-Fox Pix New in Production

ZANE GREY'S WESTERN UNION, drama, in Technicolor; asso. prod., Harry Joe Brown; dir., Fritz Lang; no writing credits; camera, Edward Cronjager and Allen Dabey. Cast: Robert Young, Randolph Scott, Dean Jagger, Virginia Gilmore, John Carradine, Laird Cregar, Slim Summerville.

United Artists

	Prom- ised	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Goldwyn	1	1	0	0	0
Selznick	2	2	0	0	0
Wanger	1	1	0	0	0
Chaplin	1	1	0	0	0
Roach	5	0	0	0	0
Korda	3	0	0	0	0
Edw. Small	1	1	0	0	0
Lesst-Lubich	2	0	0	0	0
Loew-Lewin	2	0	1	0	1
Bronson	3	0	0	0	0
R. Rowland	1	0	1	0	0
Pascal	1	0	0	0	0
Totals	26	5	2	0	19

Pictures in cutting rooms or awaiting release:

THE LONG VOYAGE HOME, sea drama; producer, the Argosy Corp. (Walter Wanger-John Ford); director, John Ford; screen play, Dudley Nichols suggested by four one-act plays by Eugene O'Neill; camera, Gregg Toland. Cast: John Wayne, Thomas Mitchell, Ian Hunter, Barry Fitzgerald, John Qualen, Arthur Shields, Joseph Sawyer, Ward Bond, Wilfrid Lawson, J. M. Kerrigan, Jack Pennick, Harry Tenbrook, Rafalo Otiano, Constantine Romanoff, Carmen Morales.

THE SON OF MONTE CRISTO, costume drama; prod., Edward Small; dir., Rowland V. Lee; story, George Bruce, from Alexandre Dumas novel; camera, Guy Robinson; music by Edward Ward. Cast: Louis Hayward, Joan Bennett, George Sanders, Florence Bates.

UA Pictures in Production

FLOTSAM, drama (Loew-Lewin) dir., John Cromwell; screenplay, Talbot Jennings; camera, William Daniels. Cast: Frederic March, Margaret Sullivan, Frances Dee, Glenn Ford, Anna Sten, Erich Von Stroheim.

CHEERS FOR MISS BISHOP, drama; Richard Rowley prod.; dir., Tey Garnett; no writing credits; camera, Hal Hohn. Cast: Martha Scott, William Gargan, Edmund Gwenn, Sterling Holloway, Donald Douglas, Mary Anderson, Marsha Hunt, Sidney Blackmer.

Universal

	Prom- ised	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Features	40	13	3	19	15
Actions	7	2	0	2	3
Westerns	7	4	0	2	1
Serials	4	2	1	2	0
Frank Lloyd	3	0	0	0	3
Totals	61	21	4	12	27

Pictures in cutting rooms or awaiting release:

WINNERS OF THE WEST (1940-41 serial); producer, Henry MacRae; directors, Ford Beebe, Ray Taylor; original screen play, Charles Condon, George H. Plympton, and Basil Dickney; camera, Jerry Ash. Cast: Dick Foran, Anne Nagel, James Craig, Tom Fadden, William Desmond, Harry Woods, Ed Keane, Charles Stevens, Charles Morrison, Edward Edwards, Edmund Cobb, Roy Barcroft, Bill Hunter, Slim Whitaker, Robert Long, Grace Cunard, Ed Cassidy, Trevor Bardette, Jim Farley, Vyola Vonn.

MARGIE, comedy with songs; asso. prod., Joseph G. Sanford; co-directors, Otis Garrett and Paul Gerard Smith; original and script, Scott Darling and Erna Lazarus; camera, Stanley Cortez. Cast: Tom Brown, Nan Grey, Joy Hedges, Fritsch Auer, Edgar Kennedy, Allen Jenkins, Eddie Quillan, Richard Lane.

JUNIOR G-MEN (1940-41 serial); asso. prod., Henry MacRae; co-dirs., Ford Beebe and John Rawlins; orig. screen play, George H. Plympton, Basil Dickney and Rex Taylor; camera, Jerome Ash. Cast: Billy Halop, Huntz Hall, Gabriel Dell, Bernard Punsley.

LAW AND ORDER, formerly **MAN FROM CHEYENNE**, western; dir., Ray Taylor; screen play, Sherman Lowe; camera, Jerome Ash. Cast: Johnny Mack Brown, Fuzzy Knight, Nell O'Day.

DANGER ISLAND, formerly **ISLE OF MISSING MEN**, formerly **SOUTH OF SAMARITA**, formerly **THE DEVIL'S PIPELINE**, comedy; asso. prod., Ben Eivart; dir., Christy Cabanne; orig. screen play, Paul Huston; camera, John Boyle. Cast: Richard Arlen, Andy Devine, Jeanne Kelly, James Flavin, Francis McDonald, John Eldredge, Eddie Waller, Dick Botiller, John Rogers, Jay Novello, Mala, Harry Fleischman, Nestor Paiva.

THE PONY POET, western; asso. prod., Joseph G. Sanford; dir., Ray Taylor; orig. story and screen play, Sam Robbins; camera, William Sickner. Cast: Johnny Mack Brown, Fuzzy Knight, Nell O'Day, Dorothy Short, Kenton Howard, Tom Brown, Basil Rathbone, Ray Taylor, Eddie Cobb, Lane Chandler, Jack Rockwell.

GREEN HORNET STRIKES AGAIN, serial; asso. prod., Henry MacRae; dirs., Ford Beebe and John Rawlins; screen play, George H. Plympton, Basil Dickney, Sherman Lowe; camera, Jerome Ash. Cast: Warren Hull, Anne Nagel, Wade Boteler, Stanley Blystone, Seay, Harry Fleischman, Robert Blair, Fred Clift, Kenneth Rhoades.

FIREMAN SAVE MY CHILD, comedy; asso. prod., Burt Kelly; dirs., Otis Garrett, Paul Gerard Smith; screen play, Jane Storm, Syd Bartlett; camera, Elwood Bredell. Cast: Baby Sandy, Stuart Erwin, Una Merkel, Edgar Kennedy, William Flawley.

GIVE US WINGS, melodrama; asso. prod., Ken Goldsmith; dir., Charles Lamont; orig. story, Elliott Gibbons; screen play, Arthur T. Horman; camera, Elwood Boyle. Cast: Billy Halop, Huntz Hall, Bernard Punsley, Gabriel Dell, Bobby Jordan, Wallace Ford, Anne Gwynne, Milburn Stone, Shemp Howard.

BOSS OF BULLION CITY, formerly **TRAIL TO FRAZER VALLEY**, western; asso. prod., Joseph G. Sanford; dir., Ray Taylor; orig. screen play, Arthur St. Claire, Victor McLeod; camera, William Sickner. Cast: Johnny Mack Brown, Fuzzy Knight, Nell O'Day, Maria Montez, Harry Wood.

(Continued on page 28)

SPG Petition

Continued from page 7

NLRB presented claims of the SPG concerning an appropriate unit for negotiation with a majority of home office workers in publicity-advertising departments on its membership rolls. The question to be determined by the NLRB is whether these claims are correct. Paramount has the lowest percentage of employees in the SPG, it is reported. Another question to be decided but whether this will be one for the NLRB or not, is whether members of art departments should be qualified as members of the SPG. On the Coast, they aren't.

Union has set up a list of persons in publicity-advertising-art departments that are not eligible to its membership and has informed all film companies in this connection. These are those who have the right to fire or hire, clerical workers, office workers, office boys, etc., attached to publicity departments; all field and theatre publicity men.

Eligibles are publicity writers, advertising copy writers, press book writers, editors and artists, contact men, placers of stills and publicity material, exploitation men, production men and artists who participate in the production or creation of the above work.

Plenty Folks, But No Coin In Lincoln; 'Girls', \$3,000

Lincoln, Neb., Oct. 29. With 3,000 school teachers and 1,000 bankers here for the first three days of the weekend, plus the annual old grad roundup for homecoming Nebraska-Missouri football game, actually for around 35,000 visitors in all, there was money in town. But it wasn't being spent at the theatres.

'Strike Up Bands' h.o. hasn't the zip it had on the first stanza. 'Too Many Girls' is average.

Estimates for This Week

Colonial (Monroe-Noble-Federer) (750; 10-15) — 'Rainbow Range' (Mono) and 'Saint London' (RKO), split with 'After Annals' (RKO) and 'Gentleman California' (Indie). Fair \$800. Last week, 'Doodle Kicks' (RKO) and 'Mexicali Rose' (Rep.) split with 'Mallory Mounted' (RKO).

Lincoln (J. H. Cooper-Paramount) (1,503; 10-25-40) — 'Strike Up Band' (M-G) (2d wk). First did about \$4,300. Appears on way to \$2,900 on second, Atlanta, fair.

Nebraska (J. H. Cooper-Paramount) (1,238; 10-20-25) — 'We Are Young' (M-G) and 'Magnificent Obsession' (WB) split with 'Drawing Gold' (WB) and 'Calling Husbands' (WB). Not bad, \$2,500. Last week, 'Chan Wax' (20th) and 'Gay Cabaret' (20th), split with 'Young People' (20th) and 'Pier 13' (20th), okay \$2,400.

Stuart (J. H. Cooper-Paramount) (1,884; 10-25-40) — 'Golden Fleece' (M-G) and 'Major Answere' (M-G) on stage, three days with Wyoming (M-G) started Monday (28) for four days. Stretch will do about \$5,200, okay. Last week, 'Moon Burma' (Par.) poor \$3,100.

Variety (Noble-Federer) (1,000; 10-20-25) — 'Mad Men Europe' (Col) and 'Military Academy' (Col), five days, split with 'Father Is Prince' (WB), 'Phantom of the North' (Mono), five days. Full run, \$2,800, so-so. Last week, 'Lady Question' (Col) and 'I'm Alive' (RKO), six days, light \$1,900.

Variety (Noble-Federer) (1,100; 10-25-40) — 'Too Many Girls' (RKO). This is one of 16 college towns selected for the Abbott pic to open in, and it had heavy exploitation ties with both day and college newspapers, as well as extensive ad campaign. May get \$3,000 on the drive, which is average. Last week, 'Drive Night' (WB), \$2,900, fair.

DENVER

(Continued from page 10)

week at Orpheum. Fair \$2,500. Last week, 'Strike Up Band' (M-G) and 'Golden Fleece' (M-G) split with 'Two Week at Orpheum, good \$3,000.

Denham (Cockrill) (1,750; 25-35-40) — 'North West Mounted' (Par.) Smash \$14,000 and holding indefinitely. Dancing on Dime' (Par.) weak \$3,000.

Denver (Fox) (2,525; 25-35-40) — 'No Time Comedy' (WB) and 'Great Profile' (WB). Fine \$11,000. Last week, 'Argentine Way' (20th), nice \$10,000.

Orpheum (RKO) (2,600; 25-35-40) — 'Third Finger' (M-G) and 'Laddie' (RKO) split with 'The Worst of Us' (WB). 'Knew What Wanted' (RKO) and 'Mexican Spitfire' (RKO), fair \$8,300.

Paramount (Fox) (2,200; 25-40) — 'Little Bit Heaven' (Col) and 'Night Train' (20th). Okay \$4,500. Last week, 'Angels Broadway' (Col) and 'Golden Gloves' (Par.), nice \$4,000.

State (Fox) (1,875; 25-40) — 'Western' (UA) split with each Denver and Rialto, and 'Glamour Sale' (Col). Nice \$2,500. Last week, 'Howards Virginia' (Col), after week at each Denver and Broadway, and 'Girls Row' (Col), \$2,200.

\$80,000 ALL-CHINESE 400-SEATER IN FRISCO

San Francisco, Oct. 29. Grand View, \$80,000 400-seat Chinese cinema under construction here, open in middle of November playing Chinese and American product. House is named both in English and Chinese.

Located on Jackson street, in heart of Chinatown, deluxer will be first modern palace built exclusively for Chinese patronage. House is being built by Grand View Film Co of Hong Kong, owned by a group of San Francisco Chinese and turning out an average of 18 films a year, which have regular bookings in Frisco, Chicago, Boston, Seattle, Portland, Los Angeles and New York. Prints also are released in 16 mm. versions. The new Grand View will become the Frisco showhouse for the studio's output: Joseph Sun is president of the firm and personally will operate the new house during its initial months.

Policy calls for Chinese flicks Saturday through Tuesday with U. S. shorts, and Hollywood double-bills Wednesday through Friday. American patronage will be welcomed but not encouraged, needs being designed to supply film needs of Frisco's 16,000 to 20,000 Chinese.

P. S. Fong, head of the Rice Bowl Campaign and chairman in the Chinese Six Companies, is chairman of the board, which includes D. W. Low, Chew Fook, James Jue, Quan Soong Jun, Dere Dipsong, Hui Yip Chung, Jung Chuk Poy and Chin Park.

'Fantasia'

Continued from page 7

motion, with the opening to be a society benefit for British War Relief. It's important to Horne to have the jurisdiction settled to prevent recurrence of the fight in each town the picture plays. Two unions, between which there has long been bad blood, also extend into the studio and repercussions there from the present contest could cause a serious tieup.

Sound equipment, for the 53d Street was involved in another jurisdictional fight on Saturday (26) when it was delivered from the Erie station. Local 816, of the Teamsters' Union, theatrical unit, claimed they had jurisdiction and a slugfest took place back of the theatre with the union repudiating the American Express men who delivered the equipment. Horne settled that by paying standby wages to the 816 members.

Meantime William Garity, of RCA plant, and Watson Jones, of RCA, both of whom came in from the Coast to supervise the installation, are left with nothing to do.

Filmite's Vaude

Continued from page 3

of foreign markets, had not yet taken full effect. Aside from the Louella Parsons, Elsa Maxwell and George Jessel units currently touring, film personalities in vaude are currently few and far between.

All of the agencies are telling virtually the same story, although the William Morris office has set a date for Rosemary Lane at the N. Y. Paramount for some time next month, and is also agenting Edmund Lowe, who has been touring for the past few weeks and plays the two brand houses in N. Y. starting Oct. 31 at the Flatbush, Brooklyn, and the Windsor, Bronx, Nov. 7.

CINCINNATI

(Continued from page 11)

Guilty (Mono), divided with 'Man from Monterey' (WB) and 'Sailor's Luck' (20th). Fair \$3,000.

Grand (RKO) (1,430; 33-40-50) — 'Rockne' (WB). Moveover from Palace for second week. Good \$4,500. Last week, 'Strike Up Band' (M-G) second week of second run, good \$5,500.

Keith's (Libson) (1,500; 33-40-50) — 'Christmas July' (Par.) Poor \$3,000. Last week, 'Dulcy' (M-G), slow \$3,500.

Lyric (RKO) (1,400; 33-40-50) — 'Strike Up Band' (M-G). Third mainstay spot for this pic, following fourth's second run at Grand and initial week in the Palace. Forte \$3,500. Last week, 'Bit of Heaven' (WB), terrible \$2,500.

Palace (RKO) (1,600; 33-40-50) — 'Burma' (Par). Theatrical worst b.o. eclipse of the season at \$5,000. Last week, 'Rockne' (WB), very good \$12,000.

Shubert (RKO) (2,150; 33-40-50) — 'Quarterback' (Par) and 'World in Flames' (Par). Crisp hot for 10-year newswell flashback and cold on football feature. No dice at \$2,500. Last week, 'Argentine Way' (20th) (2d run), nice \$4,000.



**ONE THING
THAT NEVER
CHANGES!**

Film Consent Decree In Full

The United States of America having filed its petition herein on July 20, 1938, and its amended and supplemental complaint on Nov. 1, 1940; the defendants: Paramount Pictures, Inc.; Paramount Film Distributing Corporation; Loew's, Inc.; Radio-Keith-Orpheum Corp.; RKO Radio Pictures, Inc.; Keith-Albee-Orpheum Corp.; RKO Proctor Corp.; RKO Midwest Corp.; Warner Bros. Pictures, Inc.; Vitaphone, Inc.; Warner Bros. Circuit Management Corp.; 20th Century-Fox Film Corp., and National Theatres Corp., having appeared and severally filed their answers to such petition and to such amended and supplemental complaint and having asserted the truth of their answers and their innocence of any violation of law; and no testimony having been taken, but each of the consenting defendants having consented to the entry of this decree without any findings of fact, upon condition that neither such consent, nor this decree itself, nor the entry of this decree, nor any statement, provision or requirement contained in this decree, shall be or shall be construed as being (1) an admission or adjudication of the allegations of the petition or of the amended and supplemental complaint, or any of them, or is true, or that such defendants, or any one or more of them, have or have violated or are or are violating any statute or law, or (2) evidence that such allegations, or any of them, are or are true, or that such defendants, or any one or more of them, have or have violated any statute or law, or (3) an admission or adjudication that the doing of any of the acts or things hereinafter enjoined or the failure to do any of the acts or things hereinafter directed to be done would constitute a violation of any statute or law, and upon the further conditions hereinafter set forth; and the United States of America, by its counsel, having consented to the entry of this decree and to each and every provision thereof upon such conditions, and having moved the court for the entry of this decree:

Therefore, It Is Ordered, Adjudged and Decreed as follows:

The above named defendants are referred to hereinafter as the consenting defendants.

Tradeshowsing Required Before Pic Can Be Sold

The court has jurisdiction of the parties hereto; and for the purposes of this decree and of the enforcement thereof, and for no other purpose, the court has jurisdiction of the subject matter hereof and its complaint and its order of action against the defendants under the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Each consenting defendant, its successors, officers, directors, agents and employees, and all persons and corporations acting through, or for it, hereby is and are enjoined from doing the acts prohibited by this decree, and is and are directed to do the acts thereby required.

No consenting defendant engaged in the distribution of motion pictures (hereinafter referred to as a distributor defendant) shall license or offer for license a feature motion picture (hereinafter referred to as a feature) for public exhibition within the United States of America at which an admission fee is to be charged, unless the feature has been trade shown within the exchange district in which the public exhibition is to be held. Every trade showing shall be preceded by a notice, published in a trade publication¹ having general circulation among exhibitors² in such exchange district, which shall

¹ License means (as a verb) to make an agreement, or (as a noun) an agreement, by which a distributor grants the right to exhibit in public motion pictures in the exhibition of motion pictures for profit.

² A feature motion picture is a motion picture approximately 5,000 feet, or more, in length.

³ A trade show is an exhibition of a feature at a theatre or projection room for the benefit of exhibitors generally.

⁴ Each distributor defendant shall file with the Department of Justice a map of each of its exchange districts, defining the territorial limits thereof. Changes in the territorial limits of an exchange district shall be made after two weeks' notice to the Department of Justice. References in this decree to exchange districts are to exchange districts of each distributor defendant, as constituted from time to time.

⁵ Trade publication means a daily or weekly newspaper or magazine which is devoted primarily to matters concerning the motion picture industry.

⁶ Exhibitor means any individual, partnership, association, corporation or corporation engaged in the public exhibition of motion pictures in a theatre or theatres for profit.

state the title of the picture and the date and the time when and the place or places where it will be trade shown.

IV. No Distribut Can Offer More Than 5 Pix in Unit

(a) No distributor defendant shall offer for license or offer to license more than five features in a single group. In offering its features for license to an exhibitor a distributor may change the combinations of features in groups as it may from time to time determine, and may license or offer for license as many groups of features as it may from time to time determine, provided that the offer for license of one group of features shall not be conditioned upon the licensing of another feature or group of features.

(b) No distributor defendant shall require an exhibitor to license short subjects, newsreels, trailers, or serials (hereinafter collectively referred to as shorts) as a condition of licensing. No distributor defendant shall require an exhibitor to license reissues, westerns,⁷ foreign⁸ (hereinafter collectively referred to as foreign) as a condition of licensing other features.

Arbitration

Where a license has been entered into, controversies arising upon a complaint by an exhibitor that the licensing to him of one group of features as conditioned by the distributor upon the licensing of another feature or group of features or the licensing of shorts or foreign⁸ shall be subject to arbitration. An exhibitor shall have no right to assert any such claim unless he shall have mailed to the distributor at its Home Office a notice in writing of such claim and of the grounds thereof, not later than two days after receipt by the exhibitor of the distributor's written approval of the exhibitor's signed application or application of such features, shorts or foreign⁸. The power⁹ of the arbitrator in deciding any such controversy shall be limited to making (1) a finding as to whether or not the licensing of such features was so conditioned; and, if the finding be in the affirmative, (2) an award cancelling the license for (or to the extent the license is conditioned upon) such feature or group of features, or such shorts or foreign⁸.

Distribut Must Be Notified

Where no license has been entered into, controversies arising upon a complaint by an exhibitor that a distributor defendant has offered for license to him more than five features in a single group or that the distributor defendant has conditioned upon the licensing of another feature or group of features, or the licensing of shorts or foreign⁸, shall be subject to arbitration. An exhibitor shall have no right to assert any claim that an offer so to license such features was so made or conditioned unless he shall have mailed to the distributor at its Home Office a notice in writing of such claim and of the grounds thereof, not later than five days after the offer for license, or the alleged offer was made. The power¹⁰ of the arbitrator in deciding any such controversy shall be limited to making (1) a finding as to whether or not the licensing of such features was so made or conditioned; and, if the finding be in the affirmative, (2) an award imposing upon the distributor defendant such other penalty in an amount not to exceed \$500. Such penalty shall be payable into the arbitration fund referred to in subdivision 8 of Section XXII hereof.

V. Quality Proper Use Of Feature Licenses

No license for features to be exhibited in theatres located in one exchange district¹¹ shall include the theatres located in another exchange district, nor shall the licensing of such features in theatres located in one exchange district be conditioned upon the licensing of a feature or group of features for exhibition in theatres located in another exchange district.

Controversies arising upon a complaint by an exhibitor that the licensing by a distributor defendant of features for exhibition in theatres located in one exchange district was conditioned

⁷ Westerns are those western pictures which are not of the usual character and type, and are ineffectively produced as compared with the distributor's general line.

⁸ Foreigns are features produced outside of the United States except such as are produced in the English language by the distributor or subsidiary or affiliate thereof.

⁹ Where no arbitration under this decree, the finding of the arbitrator shall be that the complainant has not proved his case, and the arbitrator shall enter an award dismissing the complaint.

¹⁰ See footnote 3 to this Section.

¹¹ See footnote 4 to Section III.

upon the licensing of a feature or group of features for exhibition in theatres located in another exchange district shall be subject to arbitration. The power¹² of the arbitrator in deciding any such controversy shall be limited to making (1) a finding as to whether or not the licensing of features for exhibition in theatres located in one exchange district was so conditioned upon the licensing of a feature or group of features for exhibition in theatres located in another exchange district; and, if the finding be in the affirmative, (2) an award imposing upon the distributor defendant such other penalty in an amount not to exceed \$500.00, payable into the arbitration fund referred to in subdivision 8 of Section XXII hereof.

VI. Distribut Cannot Refuse Pix to Reputable Exhibitor

No distributor defendant shall refuse to license a feature or group of features in an exhibitor's theatre on some run (to be designated by the distributor) upon terms and conditions fixed by the distributor which are not calculated to be to the purpose of this Section, if the exhibitor can satisfy reasonable minimum standards of theatre operation and is a reputable and responsible exhibitor. (1) A finding as to whether or not the granting of a run on any terms to such exhibitor for said theatre will have the effect of reducing the distributor's total film revenue in the competitive area in which the complainant's theatre is located. Controversies arising upon a complaint by an exhibitor that, contrary to the provisions of this Section, a distributor defendant has refused to license its pictures shall be subject to arbitration. The power¹³ of the arbitrator in deciding any such controversy shall be limited to making (1) a finding as to whether or not, contrary to the provisions of this Section, the distributor has refused to license its pictures to the complainant, and (2) an award directing the distributor to offer its pictures for license to the complainant for exhibition in said theatre on a run to be designated by the distributor and upon terms and conditions fixed by the distributor which are not calculated to defeat the purpose of this Section. The burden of showing that the granting of a run on any terms to the complainant will have the effect of reducing the distributor's total film revenue in the competitive area in which the complainant's theatre is located shall be upon the distributor.

Any distributor defendant affected by such award may institute a further arbitration proceeding to be relieved therefrom on the ground that since the making of the award the complainant has failed to do therewith has had the effect of reducing the distributor's total film revenue in the competitive area in which the complainant's theatre is located. The burden of showing that the granting of a run in compliance with the award has had the effect of reducing the distributor's total film revenue in said area, he shall vacate the award.¹⁴

VII. Arbitrate Controversies On Exhibitor Complaints

Controversies arising upon the complaint of an exhibitor that a feature licensed to him by a distributor defendant for exhibition in a particular theatre is generally offensive in the locality served by such theatre on moral, religious or racial grounds shall be subject to arbitration. An exhibitor shall have no right to assert any such claim unless written notice of his election to cancel such license, together with a statement of his reasons therefor, shall have been mailed to the distributor defendant at its Home Office not later than ten days after the receipt by the exhibitor of the distributor's written approval of the exhibitor's signed application for such feature. In such event the license in so far as it relates to the exhibition of such feature in the theatre specified in the notice shall be deemed cancelled unless within five days after receipt of such notice the distributor shall have mailed to the exhibitor a notice in writing of its denial of such claim and of its intention to arbitrate the controversy. The power¹⁵ of the arbitrator in deciding any such controversy shall be limited to making (1) a finding as to whether or not the feature is generally offensive in the locality served by the exhibitor's theatre on moral, religious or racial grounds; and, if the finding be in the affirmative, (2) an award cancelling the license in so far as it relates to the exhibition of such feature in said theatre.

VIII. Clearance Recognized As Industry Essential

Controversies arising upon the complaint of an exhibitor that the

clearance¹⁶ applicable to a theatre is unreasonable shall be subject to arbitration under the following provisions:

It is recognized that clearance is reasonable at a time and in an area, is essential to the distribution and exhibition of motion pictures.

In determining whether any clearance complained of is unreasonable, the arbitrator shall take into consideration the following factors and accord to them the importance and weight to which each is entitled, regardless of the order in which they are listed:

(1) The historical development of clearance in the particular area wherein the theatres involved are located.

(2) The admission prices of the theatres involved.

(3) The character and location of the theatres involved, including size, type of equipment, appointments, transit facilities, etc.

(4) The policy of operation of the theatres involved, such as the showing of double features, gift nights, live-away shows, cut rate tickets, lotteries, etc.

(5) The rental terms and license fees paid by the theatres involved and the revenues derived by the distributor defendant from such theatres.

(6) The extent to which the theatres involved compete with each other for patronage and business.

(7) All other business considerations, except that the arbitrator shall disregard the fact that a theatre involved is affiliated with a distributor or with a circuit.

Arbitrator Limited

The power¹⁷ of the arbitrator in deciding any such controversy shall be limited to making: (1) a finding as to whether or not the clearance complained of is unreasonable; and, if the finding be in the affirmative, (2) an award fixing the maximum clearance between the theatres involved which may be granted in licenses thereafter entered into by the distributor defendant which is a party to the arbitration. Subject to the provisions of Section XVII hereof, the award may fix such maximum clearance under any then existing franchise or any license entered into pursuant to such franchise between any distributor defendant and any other party bound by this decree.

Any distributor defendant or any exhibitor affected by such an award may institute a further arbitration proceeding for a modification thereof upon the ground that since the making of the award the conditions with respect to which the award was made have so changed as to warrant modification, and, in the event that the arbitrator finds that there has been such a change, he shall make a re-determination of the maximum clearance.

Doesn't Apply to Specials

Nothing contained in this Section shall be construed to restrict or award made in any arbitration under this Section shall restrict the exhibitor's right to license for any feature any run which he is able to locate with any distributor, nor the distributor's right to license for any theatre any run which it desires to grant.

Nothing contained in this Section and no award hereafter entered in any arbitration in accordance with its provisions shall apply to licensing of exhibition of any special feature, provided such special feature is licensed under an exhibition contract applicable only thereto, or to the right of a distributor defendant to include in such contract and to make a part thereof such special terms and conditions, including such special clearance provision or provisions, as such distributor shall fix, establish and determine in connection with the exhibition of such special feature.

IX. Shall Not Withhold Prints for Competish

In booking prints for exhibition by exhibitors competing on the same run in the same exchange district, a distributor defendant shall not withhold delivery of prints available in its exchange from one exhibitor in order to give a competing exhibitor a prior playing date not provided for in the contract. It is recognized that distributors must be permitted discretion in the ordinary course of booking and distributing film in an exchange district when a too few prints are demanded for the exchange for the playing date desired by two or more theatres. In such cases this Section shall have no application.

Violations of this Section shall be subject to arbitration and, if the arbitrator finds¹⁸ that the distributor complained against has pursued a policy of withholding available prints from the complainant exhibitor in violation of this Section, he

shall enter an award directing the distributor to discontinue such policy.

X. Exhibits Can Arbitrate Refusal of Run Asked

A. Controversies arising upon a complaint by an independent exhibitor that a distributor defendant has arbitrarily refused to license its features for exhibition in the theatre requested by said exhibitor in one of said exhibitor's theatres which was in existence or which replaced²² a theatre in existence at the date of this decree shall be subject to arbitration.

B. In any such arbitration no award shall be made against a distributor defendant unless the arbitrator shall first find the following facts:

(1) The complainant is an independent exhibitor and the theatre operated by him and specified in his complaint was in existence at the date of the decree or replaced such a theatre; and

(2) Such refusal of the distributor to license its features for exhibition in the theatre specified in the run requested by the complainant continued during a period of not less than three successive months; and

(3) The distributor during such period has refused to consider the request by the complainant on the run requested by him to a theatre (sometimes hereinafter referred to as a circuit theatre) which was in competition with the theatre specified in the complaint and which was a component of a circuit of not less than 15 theatres or which was affiliated either by stock ownership, common ownership, common ownership, or otherwise with a circuit or not less than 15 theatres or the licensee for which were negotiated by a buying combine or common buying agent negotiating for not less than 15 theatres; and

(4) The complainant's theatre has not been available to it features sufficient in number and quantity to enable it to operate on the run requested by the complainant; and

(5) (a) Subsequent to July 20, 1935, and prior to July 20, 1940, the complainant operated the theatre specified in his complaint on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint; or the complainant operated the theatre specified in his complaint on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint; or the complainant had filed with a Local Clearance and Zoning Board under the Code of Fair Competition for the Motion Picture Industry approved pursuant to the National Industrial Recovery Act such a complaint as was finally disposed of by administrative decision under said Code prior to May 27, 1935; or

(c) Subsequent to July 20, 1935, and prior to July 20, 1940, the complainant demanded in writing²⁴ features for the theatre specified in his complaint from the distributor complained against; or

(d) The complainant operated the theatre specified in his complaint for at least one year prior to the entry of this decree, and subsequent to July 20, 1935, and prior to July 20, 1940, prior operator of said theatre had demanded in writing²⁵ features from the distributor complained against on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint; or the complainant had filed with a Local Clearance and Zoning Board under the Code of Fair Competition for the Motion Picture Industry approved pursuant to the National Industrial Recovery Act such a complaint which was not finally disposed of by administrative decision under said Code prior to May 27, 1935; and

(6) Such refusal to license the

shall enter an award directing the distributor to discontinue such policy.

X. Exhibits Can Arbitrate Refusal of Run Asked

A. Controversies arising upon a complaint by an independent exhibitor that a distributor defendant has arbitrarily refused to license its features for exhibition in the theatre requested by said exhibitor in one of said exhibitor's theatres which was in existence or which replaced²² a theatre in existence at the date of this decree shall be subject to arbitration.

B. In any such arbitration no award shall be made against a distributor defendant unless the arbitrator shall first find the following facts:

(1) The complainant is an independent exhibitor and the theatre operated by him and specified in his complaint was in existence at the date of the decree or replaced such a theatre; and

(2) Such refusal of the distributor to license its features for exhibition in the theatre specified in the run requested by the complainant continued during a period of not less than three successive months; and

(3) The distributor during such period has refused to consider the request by the complainant on the run requested by him to a theatre (sometimes hereinafter referred to as a circuit theatre) which was in competition with the theatre specified in the complaint and which was a component of a circuit of not less than 15 theatres or which was affiliated either by stock ownership, common ownership, common ownership, or otherwise with a circuit or not less than 15 theatres or the licensee for which were negotiated by a buying combine or common buying agent negotiating for not less than 15 theatres; and

(4) The complainant's theatre has not been available to it features sufficient in number and quantity to enable it to operate on the run requested by the complainant; and

(5) (a) Subsequent to July 20, 1935, and prior to July 20, 1940, the complainant operated the theatre specified in his complaint on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint; or the complainant operated the theatre specified in his complaint on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint; or the complainant had filed with a Local Clearance and Zoning Board under the Code of Fair Competition for the Motion Picture Industry approved pursuant to the National Industrial Recovery Act such a complaint as was finally disposed of by administrative decision under said Code prior to May 27, 1935; or

(c) Subsequent to July 20, 1935, and prior to July 20, 1940, the complainant demanded in writing²⁴ features for the theatre specified in his complaint from the distributor complained against; or

(d) The complainant operated the theatre specified in his complaint for at least one year prior to the entry of this decree, and subsequent to July 20, 1935, and prior to July 20, 1940, prior operator of said theatre had demanded in writing²⁵ features from the distributor complained against on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint; or the complainant had filed with a Local Clearance and Zoning Board under the Code of Fair Competition for the Motion Picture Industry approved pursuant to the National Industrial Recovery Act such a complaint which was not finally disposed of by administrative decision under said Code prior to May 27, 1935; and

(6) Such refusal to license the

shall enter an award directing the distributor to discontinue such policy.

It is recognized that clearance is reasonable at a time and in an area, is essential to the distribution and exhibition of motion pictures.

In determining whether any clearance complained of is unreasonable, the arbitrator shall take into consideration the following factors and accord to them the importance and weight to which each is entitled, regardless of the order in which they are listed:

(1) The historical development of clearance in the particular area wherein the theatres involved are located.

(2) The admission prices of the theatres involved.

(3) The character and location of the theatres involved, including size, type of equipment, appointments, transit facilities, etc.

(4) The policy of operation of the theatres involved, such as the showing of double features, gift nights, live-away shows, cut rate tickets, lotteries, etc.

(5) The rental terms and license fees paid by the theatres involved and the revenues derived by the distributor defendant from such theatres.

(6) The extent to which the theatres involved compete with each other for patronage and business.

(7) All other business considerations, except that the arbitrator shall disregard the fact that a theatre involved is affiliated with a distributor or with a circuit.

Arbitrator Limited

The power¹⁷ of the arbitrator in deciding any such controversy shall be limited to making: (1) a finding as to whether or not the clearance complained of is unreasonable; and, if the finding be in the affirmative, (2) an award fixing the maximum clearance between the theatres involved which may be granted in licenses thereafter entered into by the distributor defendant which is a party to the arbitration. Subject to the provisions of Section XVII hereof, the award may fix such maximum clearance under any then existing franchise or any license entered into pursuant to such franchise between any distributor defendant and any other party bound by this decree.

Any distributor defendant or any exhibitor affected by such an award may institute a further arbitration proceeding for a modification thereof upon the ground that since the making of the award the conditions with respect to which the award was made have so changed as to warrant modification, and, in the event that the arbitrator finds that there has been such a change, he shall make a re-determination of the maximum clearance.

Nothing contained in this Section shall be construed to restrict or award made in any arbitration under this Section shall restrict the exhibitor's right to license for any feature any run which he is able to locate with any distributor, nor the distributor's right to license for any theatre any run which it desires to grant.

Nothing contained in this Section and no award hereafter entered in any arbitration in accordance with its provisions shall apply to licensing of exhibition of any special feature, provided such special feature is licensed under an exhibition contract applicable only thereto, or to the right of a distributor defendant to include in such contract and to make a part thereof such special terms and conditions, including such special clearance provision or provisions, as such distributor shall fix, establish and determine in connection with the exhibition of such special feature.

In booking prints for exhibition by exhibitors competing on the same run in the same exchange district, a distributor defendant shall not withhold delivery of prints available in its exchange from one exhibitor in order to give a competing exhibitor a prior playing date not provided for in the contract. It is recognized that distributors must be permitted discretion in the ordinary course of booking and distributing film in an exchange district when a too few prints are demanded for the exchange for the playing date desired by two or more theatres. In such cases this Section shall have no application.

Violations of this Section shall be subject to arbitration and, if the arbitrator finds¹⁸ that the distributor complained against has pursued a policy of withholding available prints from the complainant exhibitor in violation of this Section, he

shall enter an award directing the distributor to discontinue such policy.

It is recognized that clearance is reasonable at a time and in an area, is essential to the distribution and exhibition of motion pictures.

exhibition of said features in the complainant's said theatre established in fact because the complainant was licensed to exhibit them on the run requested by the complainant was a circuit theatre.

C. In determining whether the exhibitor's complaint is established by the evidence, the arbitrator shall take into consideration, among other things, the following factors and accord to them the importance and weight to which each is entitled, regardless of the order in which they are listed: the terms, if any, offered in respect of each of the two competing theatres; the seating capacity of each of said theatres; the capacity of each for producing revenue for the distributor; the character, appearance and condition of each, including its furnishings, equipment and conveniences; the location of each of said theatres; the nature and extent of the area and population each serves; the competitive conditions in the area in which they are located; their comparative suitability for the exhibition of the exhibitor's features on the run requested; the character and ability of the exhibitor operating each and his reputation generally in the industry and in the community for showing ship, honesty and fair dealing; the policy under which each of the theatres has been operated and the policy under which the complainant proposes to operate the said theatres; and the distributor's prior relations with each of the theatres involved and with their owners and operators and any equities arising therefrom.

Findings Not Retroactive

D. If in any such arbitration the arbitrator finds²⁷ for the complainant, he may order the exhibitor to pay to the distributor which shall not affect the license to exhibit any feature then under license to the circuit theatre but which shall prohibit such distributor from thereafter licensing its features for exhibition either in the circuit theatre specified in the complaint or the run requested by the complainant, or in the complainant's theatre specified in the complaint, on such terms, other than by a separate contract or agreement which shall not be a part of any contract or agreement for the licensing of features for exhibition in other theatres or conditioned upon the licensing of features for exhibition in any other theatre.

E. After a final award in favor of a complaining exhibitor has been made under this Section, such exhibitor may institute a further arbitration proceeding (to be held before the arbitrator who entered the original award) on the ground that such award has not been complied with in good faith by the distributor against which it was entered. If in any such proceeding the arbitrator finds that the distributor has not complied in good faith with the original award, the arbitrator may award damages to the exhibitor for loss resulting from the distributor's failure to comply with the original award but any such award of damages shall be purely compensatory.

Any further arbitration proceeding for an award of damages in violation of the original award must be commenced within sixty days after such violation has occurred, by filing a statement specifying the facts constituting each of the violations for which damages are sought and the exhibitor's alleged damages resulting from each such alleged violation. No award of damages shall be made in any such proceeding for violation of the original award not occurring within said sixty day period, but prior violations may, in any such proceeding, be considered by the arbitrator as evidence bearing upon the question of the distributor's good faith.

XI.

Three-Year Clause On Theatre Acquisitions

(1) For a period of three years after the entry of the decree herein each of the consenting defendants will notify²⁸ the Department of Justice immediately of any legally binding commitment or agreement bearing upon the question of the distributor's good faith.

(2) During such period each such defendant will also report to the

Department of Justice on or before the tenth day of each month the changes in its ownership, if any, that have occurred during the preceding month, as follows, together with a statement of the reasons for such changes:

- Theatres contracted to be built, or under construction;
- Theatres lost or disposed of;
- Theatres acquired;
- Interests in theatres acquired, with a statement of the nature and extent of such interests.

(3) If upon receipt of such information the Department of Justice requests any such defendant to furnish further information with respect to any of the above transactions in which it is involved, such defendant will make a reasonable effort to supply such information promptly.

Information Confidential

(4) No information furnished under subdivision (1), (2) or (3) hereof shall be disclosed by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice, except in the course of legal proceedings to which the United States is a party, or as otherwise required by law.

(5) For a period of three years following the entry of this decree no consenting defendant shall enter upon a general program of expanding its theatre holdings. Nothing herein shall prevent any such defendant from acquiring theatres or interests therein to protect its investment or its competitive position or for ordinary purposes of its business. Proceedings based on a violation of this subdivision (5) shall be only by application to the Court for injunctive relief against the consenting defendant complained against, which shall be limited to restraining the acquisition or ordering the divestiture of the theatres or interests therein, if any, about to be acquired, or acquired, in violation of this Section.

XII.

Tradeshow Clause Out Unless UA, U, Col Sign

(a) If, prior to June 1, 1942, a decree shall not have been entered against the defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp., requiring each of them to show its features before licensing the same for exhibition, Section III of this decree, after said date, shall be inoperative and of no binding force and effect upon the consenting defendants, or any of them, except with respect to licenses entered into prior to September 1, 1942, for the exhibition of features released prior to such date and subsequent to Aug. 31, 1941.

(b) If, prior to June 1, 1942, a decree shall not have been entered against the defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp., limiting the number of features which may be licensed to a single circuit or subdivision (a) of Section IV of this decree, after said date, shall be inoperative and of no binding force and effect upon the consenting defendants, or any of them, except with respect to licenses entered into prior to September 1, 1942, for the exhibition of features released prior to such date and subsequent to August 31, 1941.

(c) If, prior to June 1, 1942, a decree shall have been entered against the defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp., containing provisions requiring each of them to trade show its features before licensing the same for exhibition, any consenting defendant may at any time thereafter file herein a written notice of its election to be relieved from further compliance with Section III of this decree and to comply with said provisions of such decree against said defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp. and thereupon an order or supplemental decree shall be entered herein on the application of the defendant or defendants so electing which shall subject said defendant to the provisions of such decree against said defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp., containing provisions limiting the number of features which may be licensed to a single circuit, any consenting defendant may at any time thereafter file herein a written notice of its election to be relieved from further compliance with subdivision (a) of Section IV of this decree and to comply with said provisions of such decree against said defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp. and thereupon an order or supplemental decree shall be entered herein on the application of the defendant or defendants so electing which shall subject such defendant

Equal Terms For All

(d) If, prior to June 1, 1942, a decree shall have been entered against the defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp., containing provisions limiting the number of features which may be licensed to a single circuit, any consenting defendant may at any time thereafter file herein a written notice of its election to be relieved from further compliance with subdivision (a) of Section IV of this decree and to comply with said provisions of such decree against said defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp. and thereupon an order or supplemental decree shall be entered herein on the application of the defendant or defendants so electing which shall subject such defendant

or defendants to said provisions of such other decree and entitle it or them to the benefits of any terms thereof providing for the defendant, modification or vacation of said provisions, and relieve it or them from further compliance with the provisions of said section (a) of Section IV of this decree.

(e) If, prior to June 1, 1942 (1) a decree containing the provisions referred to in subdivision (c) hereof, or (2) a decree containing the provisions referred to in subdivision (d) hereof, or (3) a decree containing the provisions referred to in both of said subdivisions, shall have been entered against the defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp., but an appeal therefrom has been taken or any of said provisions have not become operative and of full force and effect, then the operation of the provisions dealing with the same subject matter contained in Section III of this decree shall be suspended and shall be of no binding force and effect upon any consenting defendant except with respect to licenses entered into prior to September 1, 1942, for the exhibition of features released prior to said date and subsequent to Aug. 31, 1941, unless and until such shall be suspended and the provisions shall be in full force and effect against the defendants United Artists Corp., Universal Corp. and Columbia Pictures Corp. After such shall be in full force and effect, any consenting defendant may at any time exercise its right of election provided for in subdivisions (c) and (d) of this Section.

Congress Can Nix Decree

(f) If, at any time, an Act of Congress or a rule or resolution made pursuant to an Act of Congress shall require the trade showing of features before licensing the same for exhibition, the consenting defendants shall be relieved from further compliance with Section III of this decree, and if, at any time, an Act of Congress shall require the trade showing of features before licensing the same for exhibition, the consenting defendants shall be relieved from further compliance with subdivision (a) of Section IV of this decree. In either of such events any consenting defendant may at any time make application to this Court of which notice shall be served upon Petitioner and all other consenting defendants, for an order relieving the consenting defendant of the same, from further compliance with Section III or subdivision (a) of Section IV of this decree, or both, as the case may be, and vacating the same, and the consenting defendant shall make and enter such an order, said

(g) At any time after September 1, 1943, any consenting defendant may move to vacate the then effective provisions of Section III or subdivision (a) of Section IV of this decree by filing an application under oath stating that during any consecutive twelve-months period preceding the filing of such application either (1) distributors of motion picture films have licensed 25% or more of the features released for exhibition in the United States other than in accordance with the then effective provisions of Section III or subdivision (a) of Section IV of this decree or (2) 12% or more of the total gross income derived from the licensing of motion pictures in the United States, excluding the gross income of states rights exchanges, has been derived from features licensed in accordance with the then effective provisions of Section III or subdivision (a) of Section IV of this decree.

Distributors' Court Relief

Petitioner and all other consenting defendants from further compliance with notice of the filing of such application. Upon such application the Court shall enter an order relieving the defendant from further compliance with the provisions of Section III or subdivision (a) of Section IV of this decree, unless within sixty (60) days after service of such application Petitioner shall establish to the satisfaction of the court that during said twelve-months period less than 12% of the total gross income derived from the licensing of motion pictures in the United States, excluding the gross income of states rights exchanges, had been derived from pictures licensed in accordance with the then effective provisions of Section III or subdivision (a) of Section IV of this decree.

(h) At any time after Sept. 1, 1942, any consenting defendant may apply to the Court to vacate the provisions of Section III or subdivision (a) of Section IV of this decree, or the provisions of either of said sections, and on application, the Court shall enter an order relieving the consenting defendant from further compliance with such provisions, upon the satisfaction of the Court that, subsequent to said date and by reason of the competition of

persons not selling exclusively in accordance with said provisions of said Sections, or of either of them, so compliance by the applicant defendant with such provisions of said Sections, or of either of them, has substantially and adversely affected the applicant defendant's business.

XIII.

Decree Applies Only Within Continental U. S.

Nothing contained in this decree shall apply to operations or activities of any consenting defendant outside of the continental United States²⁹ or to operations or activities of any consenting defendant within the continental United States in so far as they relate to the distribution or exhibition of motion pictures outside of the continental United States.

XIV.

Nothing contained in this decree shall be construed to limit or affect the right of any distributor defendant, prior to the general release of a motion picture to road show such picture or to license or otherwise arrange for the road showing³⁰ of such picture upon such terms and conditions as may be fixed by the distributor.

XV.

The provisions of this decree shall not apply to any franchise which was signed prior to June 1, 1940, or to any license entered into pursuant to such franchise, except that Section VIII hereof shall apply to all such franchises and to any contract between parties bound by this decree other than licenses referred to in Section XVII hereof.

XVI.

No consenting defendant and no officer, director, agent or employee of any such defendant, shall be deemed to have violated any provision of this decree if the arbitration of disputes or controversies between consenting defendants under this decree is herein provided for, unless such defendant has refused to arbitrate such a dispute or controversy in the manner and under the conditions specified in this decree and in the Rules of Arbitration and Appeals which are filed herewith, as amended from time to time, or has refused or failed to perform the final awards³¹ made and entered in such an arbitration proceeding.

XVII.

Distributors' Free Hand In Affiliated Houses

Nothing contained in this decree shall be construed to limit, impair or restrict in any way whatsoever the right of each distributor defendant³² to license the exhibition, or in any way to arrange or provide for the exhibition in such manner, upon such terms and subject to such conditions as may be satisfactory to it, of any or all of the motion pictures which it may at any time distribute (1) in any theatre in the ownership, lease, management or operation or in the proceeds or profits from the management or operation of which, it directly or indirectly, by stock ownership or otherwise, owns a financial interest at the time of the entry of this decree and also at the time of such license, and

(2) in any theatre in the ownership, lease, management or operation, or in the proceeds or profits from the management or operation of which, such distributor defendant acquires after the date of the decree and owns at the time of such license, directly or indirectly, by stock ownership or otherwise, a financial interest of not less than 50 per centum and (3) in any theatre in the ownership, lease, management, or operation, or in the proceeds or profits from the management or operation of which, such distributor defendant owned not less than 42 per cent of the common stock at the date of the decree and at the time of such license³³, acquires after

²⁹ See footnote 29 to this Section.
³⁰ The Continental United States as used herein means the territory within the boundaries of the forty-eight states and the District of Columbia.

³¹ Road showing is an exhibition at a theatre where a majority of the seats are reserved and sold at an admission price of not less than one dollar.

³² For the purposes of this Section the final award in any arbitration proceeding under Section 2 of this decree shall be only a final award for damages as therein provided.

³³ For the purposes of this Section (1) defendant RKO Radio Pictures, Inc. or its successors, shall be deemed to have the same interest in the ownership, lease, management or operation or in the proceeds or profits from the management or operation of any theatre which Radio-Kittling Corp. or its successors, directly or indirectly, has; and (2) defendant Vitaphone, Inc. or its successors, shall be deemed to have the same interest in the ownership, lease, management or operation or in the proceeds or profits from the management or operation of any theatre which Warner Brothers Pictures, Inc. or its successors, directly or indirectly, has.

the date of the decree and owns at the time of such license, directly or indirectly, by stock ownership or otherwise, a financial interest of not less than 50 per cent.

XVIII.

Gov't May Interview

Employees, See Books

For the purpose of securing compliance with this decree, and for no other purpose, and subject to the representatives of the Department of Justice shall, on the written request of the Attorney General or the Assistant Attorney General in charge of anti-trust matters, and on notice to any consenting defendants, reasonable access to any subject matter, made to such defendant at its principal office, and subject to any legally recognized privilege, (1) be permitted reasonable access, during the office hours of such defendant, to all books, records, papers, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, relating to any of the matters contained in this decree, and (2) subject to the reasonable convenience of such defendant and without restraint or interference from it, be permitted to interview its officers or employees regarding any such matters, at which interview counsel for the office or employee interviewed and counsel for the company may be present. Without in any way limiting the rights granted in the foregoing provisions of this section each of the distributors and exhibitors, and each of its principal office, current records, which shall be accessible for the purpose aforesaid, showing—

(1) The dates and the places

where each of its features is trade-shown, the names of the trade publication wherein notice of each trade showing is published, and the date of publication; the name and location (by town and exchange district)³⁴ of each theatre in which each feature is licensed for exhibition, and the date of license thereof; (2) As to each license entered into by it, the date thereof and the names and location (by town and exchange district)³⁵ of the theatres involved, the names of the parties thereto and of the distributor's sales representative who negotiated the license, and the names of the features licensed for exhibition;

(3) All arbitration awards rendered against the distributor with a statement showing what the distributor has done to comply therewith. Information obtained pursuant to the provisions of this section shall not be divulged by any representative of the Dept. of Justice to any person other than an authorized representative of the Dept. of Justice except in the course of legal proceedings to which the United States is a party, or as otherwise required by law.

XIX.

Distributors Still May Pick Own Customers

Except as otherwise expressly and specifically provided in this decree, nothing herein shall be construed to limit the right of any distributor defendant to select its own customers, to bargain with them in accordance with law, or to negotiate with or to license to or to accept any offer from any exhibitor to license its motion pictures or any number thereof upon such terms and conditions as it deems advisable or to its best interests.

XX.

The provisions of Section III, of subdivision (a) of Section IV, of this decree and of Section X of this decree shall have application only with respect to features released in the United States after Aug. 31, 1941.

XXI.

Petitioner, by its counsel, has represented to the court that the public interest requires that the provisions of this decree shall operate for a trial period of three years from the date of entry hereof. Petitioner has further represented to the court, and each of the consenting defendants has consented to the entry of this decree, that each of them, petitioner will not for a period of three years after the entry of this decree, either in this action or any other action or proceeding against any such defendant, seek either relief or any thereof prayed in paragraphs (4), (5) and (6) of Section VIII of the petition filed herein July 20, 1938, or in paragraphs (5), (6) and (7) of Section VIII of the amended and supplemental complaint filed herein November 14, 1939.

(Continued on page 27)

²⁸ In considering this factor in situations where the exhibitor customarily exhibits features in two or more theatres on the same basis, the evidence as to features on a unit by contracting for groups of features on an "or" basis, (i.e., for exhibition at one or more specified theatres) all of such theatres may be considered collectively as a unit.

²⁹ See footnote 29 to this Section.
³⁰ The notification and report shall include such commitments and changes as may have been made by the parties to this decree which are controlled by such defendant. They shall include increases in prices or changes as may have been made by corporations in which such defendant owns a financial interest, if such defendant does not control, if such defendant has requested knowledge of such commitments or changes. Each defendant shall request such corporations to notify it immediately of any such commitment or change.

³⁴ In the case of the distributor defendant, American Century-Fox Film Corp., or its successors, the defendant National Theatres Corp., or its successors, shall be deemed to have the same interest in the ownership, lease, management or operation of any theatre which such distributor defendant owned not less than 42% of its common stock at the time of such license, provided not less than 42% of its common stock was owned by Radio-Kittling Corp., or its successors, or by present or future officers or directors of National Theatres Corp. or its successors, directly or indirectly, has.

³⁵ See footnote 4 of Section III.

THE RED CROSS IS COUNTING ON YOU!

And your support is pledged...because the
Motion Picture Industry knew that every manager of every
theatre in this land would do his share...once again!



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**CO-OPERATE WITH YOUR LOCAL CHAPTER OF THE AMERICAN RED CROSS IN
THE MEMBERSHIP DRIVE TO ENROLL THE NATION... STARTING NOVEMBER 11**

Film Consent Decree In Full

(Continued from page 25)

1940, or otherwise seek to divorce the production or distribution of motion pictures from their exhibition; or to dissolve any such defendant or any such corporation or partnership defendant has, directly or indirectly, a substantial stock interest in and which is engaged in the exhibition of motion pictures or holds directly or indirectly, or through any interest in any corporation so engaged, or to dissolve or break up any circuit of theatres of any such defendant or of any such corporation, or to require any such corporation or circuit to divest itself of its interests or any thereof, direct or indirect, in motion pictures the date of the entry of this decree.

Regulations Set Up For Arbitration Machinery

1. The method and conditions of the arbitration which is referred to in this decree, and the procedure for such arbitration, shall be as specified in this Section and in the Rules of Arbitration and Appeals which are provided for hereinafter.

2. An arbitration system for the arbitration of claims and controversies for which arbitration is provided in this decree shall be administered by an impartial Administrator.

The Administrator shall establish and maintain an Arbitration Tribunal in each city in the United States in which three or more of the distributor defendants shall maintain exchanges.

The Administrator shall establish and maintain a panel of not less than ten arbitrators for each Arbitration Tribunal and shall establish and maintain suitable offices and personnel, including a clerk, for each Arbitration Tribunal and for the Appeal Board provided for hereinafter. The Administrator shall have the power to appoint and remove members of the panels and personnel.

3. No person shall be appointed a member of any panel of arbitrators who has any interest in, or has or has had any connection with, the production, distribution or exhibition of motion pictures, or has or has had any interest in any motion picture theatre as landlord, lessor, or otherwise.

4. The American Arbitration Association is appointed Administrator of the arbitration system under this decree, and is authorized and directed to perform the duties and functions of such Administrator until further order of the Court.

Any successor to the American Arbitration Association as Administrator shall be appointed by the Court on the joint recommendation of the Petitioner and of a majority of the distributor defendants, except that if the Petitioner and a majority of the distributor defendants fail to join in making such application and recommendation the successor Administrator shall be appointed by the Court.

There shall be a Budget Committee, consisting of three members, one of whom shall be appointed by the Administrator, one of whom shall be appointed by the distributor defendants, and one of whom shall be the Chairman of the Appeal Board. The Budget Committee shall budget the cost of the arbitration system, and the arbitration system shall not exceed \$..... except with the consent of the majority of the distributor defendants; provided, however, that the Court may, on the application of the Petitioner, and for good cause shown, order an increase in the budget for any year to such amount, not exceeding \$..... as it may find necessary for the effective operation of the arbitration system.

Amending Rules

6. Each arbitrator shall be selected and each arbitration proceeding shall be conducted in the manner prescribed by the Rules of Arbitration and Appeals which are filed herewith and are hereby approved. Such Rules may be amended or added to from time to time by the Administrator, with the approval of a majority of the Appeal Board upon notice to the Petitioner and to the distributor defendants of any proposed amendments or additions and an opportunity for a hearing thereon. No amendment or addition to such Rules shall change the qualifications of arbitrators as set forth in Rule II of such rules or deny to any exhibitor or distributor defendant the right to intervene as a party in any proceeding by which it may be affected or denied, or to the arbitration proceeding the right to receive notice of all proceedings therein; to participate in the selection of arbitrators; to challenge the qualifications of an arbitrator; to be represented by counsel or otherwise;

to secure the production of witnesses and of evidence; to examine and cross-examine all witnesses; and to appeal to the Appeal Board from any adverse award. The Rules may provide for the arbitration of claims and controversies between distributor defendants and exhibitors for the arbitration of which no provision is made in this decree, and which agreement between the parties thereto shall be submitted to the tribunals.

Appeals Board

7. There shall be an Appeal Board which shall have jurisdiction to determine appeals from awards made by the Arbitration Tribunals. It shall consist of three members appointed by the Court, each of whom shall be a person of known impartiality and distinction. Each such member shall be appointed for a term of three years and shall serve during such term unless he or she is removed by the Court or shall resign. Each member of the Appeal Board shall be eligible for reappointment.

One member of the Appeal Board shall be designated by the Court as the Chairman of the Board.

The members of the Appeal Board shall be compensated on an annual basis. The chairman of the Board shall be paid \$..... per annum, and each of the other members of the Board shall be paid \$..... per annum.

The Appeal Board shall have its offices in New York, New York.

8. The expenses of the arbitration system shall be paid out of a fund administered by the Administrator.

Such fund shall be established and maintained by filing fees provided for by the Rules of Arbitration and Appeals; by penalties imposed in accordance with the provisions of Section 8 of this decree; and by such additional amounts, to be paid by the distributor defendants, as may be determined by the Budget Committee from time to time to be necessary. Such fund shall be assessed by the Administrator to and shall be paid by the several distributor defendants in amounts proportional to their respective gross receipts from licenses for the exhibition of motion pictures in the United States. The proportionate gross receipts of such defendants during the 1939-40 motion picture season shall be used in determining the amount to be paid by each such defendant for the expenses of establishing the arbitration system during the first twelve months of its operation. Thereafter the gross receipts for the motion picture season ending on Aug. 31st immediately preceding the start of the particular twelve months' period shall be used in determining such amounts.

Distributors Report Grosses

Each distributor defendant shall inform the Administrator promptly after the end of each motion picture season of its total gross receipts during such motion picture season from licenses for the exhibition of motion pictures in the United States. Such information shall be treated by the Administrator as confidential and shall not be divulged except as required by law.

9. Any person who has the right to institute an arbitration proceeding under any provision of this decree, may institute and prosecute such proceeding in the manner prescribed by the Rules of Arbitration and Appeals, upon the condition that such person shall not seek the aid of the Arbitration Tribunal or the Appeal Board, and shall execute in the manner prescribed by the Administrator, which shall provide in substance that such intervenor submits to the arbitration and undertake to abide by and to accept whatever final award may be entered therein.

Representatives of the Department of Justice, duly authorized in writing, shall be permitted to have access during regular office hours to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession of the Administrator, the Appeal Board, of the Arbitration Tribunal, and of the Administrator, which relate to the arbitration system and to the arbitration of claims and controversies under this decree.

Court Retains Right To Modify Decree's Terms

Jurisdiction of this cause is retained for the purpose of:

(a) Enabling any of the parties to this decree to apply to the Court at any time for such orders and directions as may be necessary or appropriate for the construction or enforcement of compliance therewith, and for the punishment of violations thereof;

(b) Enabling any of the parties to this decree to apply to the Court at any time for a modification of this decree in order to conform to it any Act of Congress enacted after the entry of this decree;

(c) Enabling any consenting defendant to make any application to the Court referred to in any provision of this decree;

(d) Enabling any of the parties to this decree to apply to the Court at any time more than three years after the date of the entry of this decree for any modification thereof; (e) Enabling any consenting defendant to apply to the Court at any time more than three years after the date of the entry of this decree, to vacate this decree, or any modification thereof, or to vacate or modify any provision thereof, on the ground that under the economic or competitive conditions existing at the time of the application this decree or any modification thereof, or any provision thereof, is inappropriate or unnecessary, or oppressive or unduly burdensome, or inequitable, or not such economic or competitive conditions are new or unforeseen. The right of each consenting defendant to make any such application and to obtain such relief is expressly reserved by them and is hereby expressly granted.

Whenever obligations or prohibitions are imposed upon the defendants by the laws of any State or by rules or regulations made pursuant thereto, with which the defendants by law must comply, the Court, upon application of the defendants, or any of them, shall from time to time enter orders relieving the defendants from compliance with any requirement of such laws, rules or regulations, and the right of the defendants to make such applications and to obtain such relief is expressly granted.

Any application by any party to this decree under the provisions of this Section shall be made in open court upon notice to all of the other parties to this decree, and each party, upon such application, shall have the right and privilege of requiring the production of witnesses upon whose testimony such application is sought or opposed, and of examining and cross-examining such witnesses in accordance with the rules of the Court.

How Arbitration Setup Works

National Setup of Boards In 31 Key Cities—Appeal Board of 3 in N. Y.

Settlement of film industry trade practice problems, arising constantly between competing theatres and between theatres and film exchanges has been moved from the long processes of court action to the expeditious routine of arbitration under the terms of the consent decree. It is anticipated that the national setup of 31 arbitration boards, one in each exchange city, and an appeal board of three members, sitting in New York, will be functioning by New Year's. That portion of the decree which regulates the new system of five-picture selling will not become effective until the start, late next summer, of the 1941-42 selling season.

As a supplement to the text of the consent decree, there was issued by the Department of Justice the rules and procedures of arbitration, to be conducted and supervised by the American Arbitration Association, a 20-year-old quasi-public group which operates under special Federal statutes. Findings of the arbitrators have the full effect of court decisions.

Film industry is thoroughly conversant with the principles of arbitration, which in slightly modified form have twice before been used in trade practice disputes. First of all, self-regulation was through the medium of film boards, composed of distributor and exhibitor members. The plan was ruled illegal in the Federal courts. Subsequently, during the NRA, local boards were established of industry membership, with an impartial outsider as referee. They, too, were outlawed when the blue eagle law was declared unconstitutional.

Out of the Industry

Under the new decree, arbitration will be removed from industry control entirely and the umpires will be selected exclusively from among men who qualify only if they have currently, or in the past, no interest in any phase of the film business. Excluded as referees, they may be any one of 10 arbitrators to be supplied through the machinery of the AAA.

It is provided that hearings of all controversies will take place in the arbitration offices in the various cities, within a 30-day period from the time a complaint is filed. Disputants may appear personally, or be represented by counsel, and witnesses must testify under oath. Awards, or decisions, must be made within 30 days after the close of arguments, and rulings shall be binding 20 days thereafter.

Fees to be paid to arbitrators will be set by the association, in no instance to exceed \$50 per diem. Filing costs of \$10 for each complaint may be paid by the side which loses the action.

That portion of the arbitration plan which provides for an appeal board of three members, sitting in New York, is a departure from the usual association routine. Personnel of the board, consisting of one judge, Henry W. Goddard, and the qualification are that each member shall be known for his impartiality and distinction.

An appeal from a local arbitrator must be filed within 20 days after his decision, and a fee of \$25 is required with the notice of intention.

Extras Beef

Continued from page 7

were allowed to name the Guild representative who would co-operate with the committee in executing its recommendations.

SAG board Monday (28) night authorized the referendum of Class B membership on acceptance of the report.

Members of the Council who have been particularly active in urging autonomy for the atmosphere players also claim they have been blacklisted by Central Casting Corp. and are not being given work calls. They have asked the Guild to initiate an unfair labor practice charge before the National Labor Relations Board in behalf of Extras. Members of the Guild in an effort to force through a by-law amendment permitting the extras to vote and have a bigger voice in Guild policies.

Because of the big decrease in extra calls, Howard R. Philbrick, Central general manager, has ordered a reduction in bureau personnel. The first to go was a janitor, three clerks and a stenographer. It is reported that Harold Melniker, executive assistant and storm center of a recent row with extras when it was charged he was trying to get rid of "old-timers," is also on the way out.

Producers Ass'n announced Monday night after conference with Fred Pelton, producer-labor contact, that the determination of a policy on the number of hours to constitute a work week, in conformity with the wage-hour law, will be vested with individual studios, due to varying conditions. Screen Office Employees Guild lost the white-collar election at 20th-Fox Monday (28) and will file an unfair labor practice complaint against the studio on the ground 20th's Studio Employees Guild is a company union. SOEG was the right as bargaining reps at Metro, RKO, Universal, Columbia, Republic and Walter Wanger. Workers at Hal Roach vote Nov. 4.

Board of the Screen Actors Guild Monday night (28) issued a ukase effective Nov. 15, forbidding radio appearance of its members unless the agent, representing the performer, is franchised by the American Federation of Radio Artists. Members of Artists Managers Guild are expected to apply en masse for AFRA licensing.

Heads of LATSE studio locals announced that demands will be made on producers for 40-hour weeks, affecting technicians and cameramen, retroactive pay to 1938 when 44-hour week was established by law. Will also be asked for International Photographers Local 659. Many lensers

CINCY'S 2 NEW HOUSES; MORE BUILDING

Cincinnati, Oct. 29.

The new theatres set for the Queen City, the 20th Century on Madison Road in Oakley, and the Ritz on Montgomery Rd. in Pleasant Ridge. Construction work, directed by F & Y Theatres of Columbus, to get underway early in the week. 20th Century, 1,000-seater, will augment the Willis Vance holdings. Vance, today, operates in metropolitan Cincinnati the Ohio, Eden and State. Project will be completed around May 1.

Ridge theatre will have 750 seats, to be completed by March 1. Operator will be the East Ridge Corp., although the actual persons involved remain a secret, check with the secretary of state showing corporation, at present at least, to be dummy.

Rodgers' 900-Seater

St. Louis, Oct. 29. The Varsity, 900-seater, newest in the Rodgers Circuit, opened in Carbondale, Ill. George Hayes is manager.

George Bizzle rushing to light up his new 300-seater in Gondola, Ill. New Comet, 980-seater Negro nabe in St. Louis, opened. Tommy James is owner. The Laclede, another St. Louis Negro nabe, also lighted.

S. E. Pirtle, head of the Pirtle Circuit, headquarters in Jerseyville, Ill., completed facilitating his house in Carrollton, Ill.

J. F. Janssen, owner of the Okaw, 330-seater, Findlay, Ill., sold house to O. T. Weakley, Shelbyville, Ill., and leased a 350-seater in New Baden, Ill., from Fred Hocker.

The Fox Ozark Theatres Corp. (Fox Midway) contracted for new 1,000-seater in Sedalia, Mo.

The Majestic, 250-seater, Memphis, Mo., will be retagged Time, and will undergo facilitating by Eben Hayes, who owns and operates.

Robert Cluser, Salem, Ill., will ask for bids for a new house to be erected in Sandoval, Ill. Town has depended on traveling portable talkers for its once-a-week pix entertainment.

F. W. Anderson opened his new Times, 450-seater, Morris, Ill. William Sheedy manager.

Facilitating job completed on the Freeport, Freeport, Ill. Joe Bennis owner.

Kenneth Childs expects to open his new 750-seater in Jacksonville, Ill., about Dec. 1. Childs owns and operates the Granada at Streator, Ill.

San Antonio's First Drive-In

St. Petersburg, Oct. 29. Sparks theatres circuit is starting construction of a new Drive-In theatre here this week. It will have a capacity of 500 motor cars.

House will be on a 20-acre tract at 12nd avenue and Fourth street north. E. J. Sparks states it will be ready the first of next year.

Battle for Control

An inter-union fight for control of 2,000 film workers broke out when the Building Service Employees International Union initiated a strike to oust Ray Finnell as international and business representative of the studio group. Finnell nixed a demand to turn over the local records and employed Assemblyman Jack Tenney to fight the case in Superior court. Finnell claims move is one by international to grab local autonomy away from group so it can collect dues from hundreds of new members expected to affiliate as result of drive by AFL.

The Producers have taken under advisement demands of the Screen Set Designers for five-day week and wage increase from \$1.70 per hour to \$2.25 per hour. The Designers also are asking for elimination of a clause in contract that provides for a 10% request membership by the Producers. There has been some talk that if the Producers veto their demands the Designers will affiliate with Moving Picture Painters Local 844, which is now demanding substantial pay tilts for the title artists and scenic artists.

To Aggie, H'wood Producers Look Like They Created the World, Not Pix

By Joe Laurie, Jr.

Hollywood, Oct. 29.

Dear Lefty:

Received your letter and glad to hear that you are well and that business has picked up a little. It was a great idea on your part to double-feature 'Brigham Young' and 'Boom Town'. I've been very busy here attending to Junior.

I've been on the lot every day to see that they don't put anything over on us. I met the other kids in the picture and their mothers, and I could do without either. The kids look like they were prematurely young and the women are the gabbiest set of hens I've ever met. The only time they're silent is when somebody asks who is the oldest. They all got mink coats and handle them as if they were lumber jackets.

The kid that's playing the lead in the picture is Fred Hilly. He can't act at all, but I think he's related to the producer. I tried to get it out of his mother, but she is as close-mouthed as a steam shovel and digs up as much dirt. She always has a look on her face that you can pour over a waffle. I had a talk with Mr. McNamara and he told me not to worry; he was sure that Junior would steal the picture, but you can't believe anybody's pictures, not even after you see them on the screen. I wanted to talk to the producer, but he is harder to get to than a fence in a concentration camp.

He walks around the lot looking like he knows so much it makes him unhappy. He gives you the impression that he could have made the world in three days and rested from the fourth to the seventh. He hasn't said anything to me that I should get mad at, but I just don't like him and I'll find a reason yet.

They have a school on the lot which Junior has to go to and he likes it very much. He had to write a composition the other day about astronomy, so I helped him with it. Today he came over to me and said, 'Ma, we got a D'. I couldn't tell him when I was a kid I was too busy doing 5 shows a day to be studying the stars. The only time I ever looked up towards the sky was to see if it was gonna rain.

They told me that I oughta get a press agent for Junior, but I am going to go around to the newspaper offices myself and say that money. I certainly can tell the picture columnists things about Junior much better than a press agent. I wish you would send me a list of the fellows you know on the newspapers here; you must know all of 'em because when you used to come home stewed you always said you were out with important newspapermen.

Everybody speaks in big figures out here, even the comedians say, 'I handed 'em a million laughs'. We're living in a furnished apartment and it's very nice, but I sure miss my little home. I'll bet you have the place looking like Rice & Prevost rehearsed in it.

That's about all I can tell you right now. Give my love to Vic and Florence and take care of yourself. You'll find the bi-carbonate on the shelf in the kitchen. Love and kisses to you from Junior and your Aggie.

P.S.—Emil Freedlander sez, 'When a woman wants a man to listen to reason she means she wants him to listen to her.'

CANDY BUTCHERS' 2D YEAR'S CONTRACT DUE

The Amusement Clerks & Concessionaire Employees Union, Local 1115C, has advised the theatre operators of Greater New York that it wishes to negotiate a second year's contract covering candy butchers, etc. Circuits and individual theatre operators have been asked to advise the union concerning negotiations for a renewal.

The Clerks' union is affiliated with

the American Federation of Labor and under recognition granted a year ago its members were employed under contract in all theatres excepting Loew's. The Loew circuit uses candy sellers and clerks who are affiliated with the CIO. Presumption is that there will be no change there.

—AND I'LL GO MINE

Hollywood, Oct. 29.
Katharine Brush shot her comedy drama, 'You Go Your Way', to Paramount, to be produced and directed by Edward H. Griffith in March.
Claudette Colbert is pencilled for the top role.

Advance Production Chart

(Continued from page 22)

Melvin Lang, Earle Hodgins, Karl Hackett, Dick Alexander, George J. Ziegler.

DARK SARKETS OF CAIRO, meller; asso. prod., Joseph G. Sanford; dir., Leslie Kardos; orig. screen play, Alex Gottlieb; camera, Elwood Bredell. Cast: Sigrid Gurie, Barbara O'Neill, Ralph Byrd, Eddie Quillan, Rod LaRocque.

BURY ME NOT ON THE LONE PRAIRIE, western; asso. prod., Joseph G. Sanford; dir., Ray Taylor; orig. screenplay, Sherman Lowe; camera, Jerome Ash. Cast: Johnny Mack Brown, Fuzzy Night, Nell O'Day.

SEVEN SINNER, romantic drama; prod., Joe Pasternak; dir., Tay Garnett; orig. story, Tuged, Fodor and Vaddin; screen play, John Meehan; camera, Rudolph Mate. Cast: Marlene Dietrich, John Wayne, Mischa Auer, Broderick Crawford, Oscar Homolka, Alvin Klinker, Anne Lee.

MOONLIGHT AND TIE TROPICS, formerly **CARIBBEAN HOLIDAY**, formerly **CARIBBEAN NIGHTS**, musical; asso. prod., Leonard Spigelglass; dir., Joseph A. McDonough; screen play, Charles Grayson; camera, Joseph Valentine. Cast: Allan Jones, Virginia LEE, formerly **FLYING NEWS**, action melodrama; asso. prod., Ben Piven; dir., Fred Frank; orig. story by Sam Robins; screen play, Alex Gottlieb; camera, Charles V. Enger. Cast: Richard Arlen, Andy Devine, Dorothy Lovett, Jack Arnold, Gus Schilling, Hurbert Lynton, Dora Clement, Frank Mitchell, Roger Haliday.

WHO KILLED DOB ROBIN, mystery melo; asso. prod., Ben Piven; dir., John Rawlins; orig. Larry Rhine. Ben Chapman; screenplay, Larry Rhine, Ben Chapman, Maxwell Shane, camera, Stanley Cortes. Cast: Richard Arlen, Andy Devine, Jeanne Kelly, Edward Brophy, Vince Barnett, Richard Carle, Tom Dugan, Andrew Tomble.

SAN FRANCISCO DOCKS, drama; asso. prod., Marshall Grant; dir., Arthur Lubin; orig. screenplay, Stanley Rubin and Edmund L. Hartman. Cast: Burgess Meredith, Irene Hervey, Barry Fitzgerald, Raymond Walburn, Robert Armstrong.

U Pictures in Production

THE BANK DICK, comedy; dir., Edward F. Cline; no writing credits; camera, Milton Krasner. Cast: W. C. Fields, Franklin Pangborn, Sherman Howard, Russell Hicks, Grady Sutton, Hatlan Briggs, Bill Wolf, Nora Cecil, Emmett Vogan.

RIDERS OF DEATH VALLEY, serial; asso. prod., Henry MacRae; dirs., Ford Beebe and Ray Taylor; screen play, Shanon Lowe, Basil Dickey, George H. Plympton, Jack O'Donnell; camera, Jerome Ash. Cast: Dick Foran, Charles Bickford, Leo Carrillo, Buck Jones, Jeanne Kelly, 'Big Boy' Williams, Noah Beery, Jr., Monte Blue, William Hall.

TRAIL OF THE VIGILANTES, western; asso. prod., dir., Allan Davis; screenplay, E. E. Paramore; camera, Joseph Valentine. Cast: Franchot Tone, Broderick Crawford, Mischa Auer, Andy Devine, Peggy Moran, Warren William, Porter Hall, Edmund MacDonald, Charles Townbridge, Paul Fix, Harry Cording, Max Wagner.

INVISIBLE WOMAN, meller; asso. prod., Bert Kelly; dir., Edward Sutherland; orig. by Joe May and Kurt Siodmak; screenplay, Robert Lees, Fred Rinaldo, Gertrude Purcell; camera, Elwood Bredell. Cast: John Barrymore, John Howard, Virginia Bruce, Charles Ruggles, Oscar Homolka.

Warners

	From Used	Com- ing	Shoot- ing	Now Cutting	To Be Shot
Studio	1	16	13	17	30
Capra-Riskin	1	1	0	1	0
Lasky	1	0	0	0	1
Totals	50	17	5	18	31

Pictures in cutting rooms or awaiting release:
THE LETTER, drama; prod., Robert Lord; dir., William Wyler; original, Somerset Maugham; camera, Tony

Gaudio. Cast: Bette Davis, Herbert Marshall, James Stephenson, Gail Sondergaard, David Newell, Bruce Lester, Tetsu Komai, Willie Fung.

HONEYMOON FOR THREE, comedy; asso. prod., Henry Blank; dir., Lloyd Bacon; original, Allen Scott and George Haight; screen play, Earl Baldwin and Phil Epstein; camera, Ernest Haller. Cast: George Brent, Osa Massen, Charles Ruggles, Jane Wymann, William T. Orr, Lee Patrick, Johnny Downs.

FOUR MOTHERS, drama; asso. prod., Henry Blank; dir., William Keighly; screen play, Earl Baldwin; camera, Charles Roshier. Cast: Patricia Lane, Rosemary Lane, Lola Lane, Gale Page, Claude Rains, May Robson, Jeffrey Lynn, Frank McHugh, Eddie Albert, Dick Foran, Vera Lewis.

SANTA FE TRAIL, western; asso. prod., Robert Fellows; dir., Michael Curtiz; orig. screen play, Robert Buckner; camera, Sol Polito. Cast: Errol Flynn, Olivia de Havilland, Raymond Massey, Ronald Reagan, William Orr, Alan Hale, Guinn 'Big Boy' Williams, Henry O'Neill, Allan Hester, John Littel, Moroni Olsen, William Lundigan, David Bruce, Frank Wilcox, William Marshall, George Haywood.

MEET JOHN DOE, drama; Frank Capra-Robert Riskin production; dir., Frank Capra; orig. Richard Connolly; play, Robert Riskin; Frank Capra, Myles Connolly; camera, George Barris, Charles Wesley, Barbara Stanwyck, Edward Arnold, Walter Brennan, James Gleason, Rod LaRocque, Granville Bates, Pierre Watkins, Henry O'Neill, Warren Hymer, Pat Flaherty, Ann Dvorak.

HIGH SIERRA, drama; asso. prod., Mark Hellinger; dir., Raoul Walsh; story by W. R. Burnett; screen play, John Huston and W. R. Burnett; camera, Tony Gaudio. Cast: Humphrey Bogart, Ida Lupino, Joan Brooks, Alan Ladd, Arthur Kennedy, Anthony Quinn, Henry Travers, Henry Hull, Willie Best.

LADY WITH THE RED HAIR, drama; asso. prod., Edmund Granger; dir., Kurt Bernhardt; screen play, Milton Krims, Charles Kenyon; camera, Arthur Edeson. Cast: Marian Hopkins, Claude Rains, Richard Arlen, Laura Home, Mona Crowe, George E. Stone, Helene Millard, Fritz Leiber, Cornel Wilde, Halliwell Hobbes.

ALWAYS A BRIDE, formerly **SO THEY WERE WED**, comedy; asso. prod., William Jacobs; dir., Noel Smith; screen play, Robert Kent; camera, Charles Schoenbaum. Cast: Rosemary Lane, George Reeves, Virginia Brissac, Fra Pierlot, John Eldridge, Oscar O'Shea, Ferris Taylor.

SOUTH OF SEVEN, drama; asso. prod., Bryn Fow; dir., Lou Selzer; screen play, Barry Trivette and Michael Hogan; camera, Arthur Todd. Cast: George Brent, Geraldine Fitzgerald, Branda Marshall, James Stephenson, George Tobias, Miles Mander, Charles Irwin.

SHE COULDN'T SAY NO, comedy; asso. prod., William Jacobs; dir., William Clemens; screenplay, Earl Baldwin and Charles Grayson; camera, Ted McCord. Cast: Roger Pryor, Eve Arden, Cliff Edwards.

Warner Pictures in Production

TRIAL AND ERROR, meller; asso. prod., Edmund Granger; dir., Vincent Sherman; screenplay, Robert Rossen, Barry Trivette, camera, Tony Gaudio. Cast: Thomas Mitchell, Geraldine Fitzgerald, Jeffrey Lynn.

CARNIVAL, drama; asso. prod., Harlan Thompson; dir., Ray Enright; screenplay, Fred Niblo, Jr., and Barry Trivette; camera, Sid Hickox. Cast: Sylvia Sydney, Humphrey Bogart, Eddie Albert.

FOOTSTEPS IN THE DARK, comedy drama; asso. prod., Robert Lord; dir., Lloyd Bacon; no writing credits; camera, Ernie Haller. Cast: Errol Flynn, Brenda Marshall, Ralph Bellamy, Alan Hale, Lee Patrick, Allen Jenkins, Louis Wolheim.

STRAWBERRY BLONDE, comedy drama; asso. prod., William Cagney; dir., Raoul Walsh; no writing credits; camera, James Wong Howe. Cast: James Cagney, Gloria DeHaven, Rita Hayworth, George Tobias, Jack Carson, Alan Hale.

THE CASE OF THE BLACK PARROT, mystery; asso. prod., William Jacobs; dir., Noel Smith; no writing credits; camera, Ted McCord. Cast: William Lundigan, Mark Wiskoski, Luli Deste, Eddie Foy, Jr., Paul Cavanaugh, Emory Parnell, Joseph Crehan.

New York Theatres

Charlie Chaplin The Great Dictator

his new comedy Released thru United Artists
CAPITOL, Broadway & 51st St.
Continental performances. Doors open 10 A.M. 10 before 5 P.M. (Saturday, Sunday and Holiday Before 3 P.M.)
11:10 afterwards. Matinee Show Every Night. Tax Included.

ASTOR, Broadway & 45th Street
Seats on Sale for Today's Mat.
Reserved seats Mat. at \$2.46, 75c to \$1.10. Even. at \$4.45, \$1.10 to \$2.50.
Extra Mid. show Sat. & 6 P.M. Sun. (also Sat. Sun. & Holi. Mats.) 75c to \$1.65. Tax Included.

RKO PALACE

Week Beginning Thursday, Oct. 31
JAMES CAGNEY
ANN SHERIDAN
"CITY FOR CONQUEST"
—AND—
HUGH HERBERT
"SLIGHTLY TEMPTED"

RADIO CITY MUSIC HALL

"ESCAPE"
Spectacular Stage Productions

PARAMOUNT

HELD OVER 3RD WEEK
"ARISE MY LOVE"
with
Claudette Colbert
Ray Milland
Midnight Screen Shows

HELD OVER

"Long Voyage Home"
UNITED RIVOLI Broadway
ARTISTS at 49th St.
Doors Open 9:30 A.M. MIDNITE SHOWS

RIDE ON, TIM

Hollywood, Oct. 29.
'Along the Rio Grande,' third of Tim Holt's saddle starrers for RKO, goes into production Nov. 1.
Feature is based on Stuart Anthony's tale, 'West of Big Horn.'

N. Y. Fair

Continued from page 2

man to attend, both reputedly being absent campaigning for Roosevelt. Just as well because there were nearly 100,000 milling in and about the Court of Peace and the National Armory grounds were slated.

Crowd took on the aspect of New Year's Eve celebrants in their search for souvenirs and desire to see the Flushing Meadows show appropriately farewelled. Celebration continued well past the official hour for shuttering. Monday was open to visitors, wishing one more glimpse at \$2 per head, but only about 500 took advantage of the offer. All money went to Red Cross.

Rose's \$1,523,483 Gross
Biggest boxoffice attraction on the Great White Way again was Billy Rose's Aquadance, as in 1939. Show grossed \$1,523,483 in playing to 3,172,276 paid admissions; this season, which covered 641 performances. Aquadance was seen by 8,572,700 paying customers during the two years.

'American Jubilee' was the next largest grosser but wound up in the red for the season although the Fair, which operated it, considered it a big success because helping the midway. Winter Wonderland is reported to have shown a profit on the year's operation. Figures not available on Gay New Orleans or Hall of Music, because of separate contracts held with the treasury department of the Fair, but neither is reported as showing a net profit for the exposition, although Mike Todd, who operated the shows, did all right for himself.

'Railroads on Parade,' in the ex-

hibit zone, is expected to show a net loss of \$100,000 for the two years' operation, a profit of \$80,000 to \$80,000 being indicated for the '40 season.

Start on tearing down buildings on the Flushing site began Monday, with the Venezuelan structure almost demolished in 24 hours. Also demolition started on the Railroad Building with bulk of tearing out of buildings expected finished by the end of November.

Cannes Is Gay

Continued from page 2

are flourishing and night clubs are crowded every evening, the actress said. Among those there are Raimu, Pierre Fresnay, Maurice Chevalier, Danielle Darrieux and Mistinguet.

Laval May Switch Things
No difficulty was encountered making 'Seven Nights,' Miss Morgan said, from either the German or the Vichy Government, although she fears the current agreement between Hitler and Laval, negotiated last week, may considerably change the situation.

Cannes is in the unoccupied area of France and when Miss Morgan left plans were going forward, she said, for erection of an additional studio. French film industry prior to the war had been almost wholly concentrated in Nice. Miss Morgan was brought to this country by RKO and is pacted for two pictures a year for two years. This is her first visit to the country, although tutoring in France for the past year, plus a movie in London. She has given her a serviceable command of English. She appeared in 'Gribovitch,' 'Orange' and a number of other French pictures which played this country.

Kansas Indies' New Ass'n Is Fast Taking Shape

Kansas City, Oct. 29.
Recently started Kansas Independent Theatre Owners Ass'n, now acting under a temporary setup with H. F. Strowig, Abilene exhib. as acting president. Merle Swanke, Stockton, v.p., with Ralph Larned, of La Crosse, as secretary, and Mrs. Kay Blair, of Belleville, as treasurer. Following organization meeting in Stockton in August, group recently held convention in Hays, and new meeting will be held Abilene, Nov. 4. Movement began in western end of state, as asterisk situations mostly circuit troubled.

When organization is completed group will make every attempt to work in close cooperation with already formed Kansas-Missouri Independent Theatre Owners association.

You need not be obligated by a lease at The Mayflower—cheerful modern rooms and suites by the month—or longer if desired.

The Mayflower
CENTRAL PARK WEST AT 65TH STREET
Richard M. Tohill, Mgr.

CBS' 11 P.M. SHOWCASE HOUR

GIVING UNTIL IT HURTS

Radio is giving away big this season. It has a pot of gold demanding nothing of the winner save that he wait by the telephone for the lucky call. It presents an airplane once a week to the composer of the snappiest—or sappiest—fifth line to a four-line jingle. All this is on top of theatrical careers, carving sets, wrist watches, diamond rings and trips to Bermuda which are also being given away. Two dozen quiz shows give away dollars, pencils, White Rose groceries, tickets to any Loew's theatre, encyclopedias and waterless cookers.

Now comes Ruthrauff & Ryan, advocates of bigger premiums and less production, with a lollipop for the 11-year-old mentality entitled 'Your Dream Has Come True.' It is heard Sundays at 5:30 p.m. on 38 NBC red stations out of Chicago.

This Good Fairy frolic probably comes under the heading of good radio and bad broadcasting. It fosters superstition, it exploits human emotions, it plays around with the granting of prayers, a task heretofore thought reserved for the Deity. The whole purpose is to get health-giving, vitamin-laden Quaker Oats into the stomachs of the underprivileged. The program may thus do something for their bodies, but not much for their minds.

A program that promulgates the idea that if you want something, just ask for it and maybe—no guarantees—radio will give it to you, is a bit astonishing. After the astonishment some doubts may be raised as to whether such programs are making it impossible to raise an intelligent race of people.

Radio has been declared offside before now in attempting to take its microphones into courtrooms and to the scene of the crime. This also recalls a masterpiece of bad taste out in Oregon when a radio station gave a detailed description of the fishing from a nearby river of the victims of a canoe accident.

Human emotion is always gripping, always interesting, and there is always a temptation to exploit it rather than create it. Before radio's comparatively minor and occasional violations of taste began to be noted, there were the monstrous perversions of the yellow press. And a gal who killed her husband in Chicago a decade ago was booked for a week in a State Street theatre.

The point about radio is that it has a bigger responsibility than newspapers and theatres. Radio is, or ought to be, the promise and the guarantor of a better future. Programs that foster a breed of phoney contestants, that encourage thousands and perhaps millions to devote themselves to building up a story dramatic enough to pass a 'committee of well wishers,' with an eye out for the listenability values rather than the human needs, is charging into the bogs of social welfare work.

There will have to be a sobering up sooner or later. Radio will have to get back to entertainment. The binge of giveaways, and prizes, and audience participations, and granting of wishes and trips, and two weeks in a theatrical unit, can go just so far. Beyond that lies the possibility that these cynical—and crude—merchandizing stunts will boomerang against the medium. Only let there be a 10% growth of doubt in the integrity of radio programs and the results will not necessarily be transitory.

GEN'L MOTORS IN RADIO MOOD

General Motors is interested in returning to one of the networks with an institutional show this fall. It has been giving an ear to the William Morris office's presentation of a Metro studio show with the price set for this being \$20,000 on the basis of an hour's running time.

Campbell-Ewald, agency on the institutional end of the GM account, has talked to the NBC-red about the availability of an hour and it's now taking the quest up with Columbia. GM hasn't had an institutional program since just before the opening of the New York World's Fair. It is estimated that over \$4,000,000 of the motor combine's institutional appropriations went into the Fair's Futurama and other exhibits.

DONALD COOK DIRECTS

Actor Takes Over 'Short, Short Story' For Final Weeks

Donald Cook, legit and film actor, is now directing Campbell soup's three-a-week series, 'Short, Short Story,' which is slated to remain on the air six more weeks. It's his first radio direction assignment. Diana Bourbon supervises the program for the Ward Wheelock agency.

Cook succeeds George Zachary, who sailed two weeks ago on a Caribbean cruise. Paul Stewart, who previously directed the show, went to the Coast for a part in the Orson Welles picture, 'Citizen Kane,' for RKO.

Veteran, Aged Nine

Buffalo, Oct. 29. Doing 15-minute sustainer weekly on municipally-owned WWSV is Patricia Stolz, fifth grade pupil, who sings hymns and accompanies herself at piano. She's nine. Has been on air three years.

NIGHTLY SPOT FOR AUDITIONS

Columbia Would Continue the 'Forecast' Idea on Regular Basis—Foresee Profitable Possibilities—Also Would Offset Dance Remotes at Late Hour

ASCAP ALTERNATIVE

The Columbia Broadcasting System's program department is working on a plan for devoting the nightly 11 to 12 o'clock period to studio produced programs of variety, dramatic and novelty types as replacements for name band pickups. The department figures that this sort of program scheduling would prove particularly handy in the event the network failed to close a music licensing contract by Jan. with the American Society of Composers, Authors and Publishers.

The network's program department feels that, with the rest of its schedule pretty well sold out, CBS should turn its development attention to this late marginal hour. With the proper programming and general nursing the 11 to midnight segment might prove, reasons the program department, a worthwhile by-product. What the department would like to do especially is to continue in this spot the idea which was materialized in the 'Forecast' series of the past summer. Though not one of these 'Forecast' programs has been sold in date, the CBS program department is confident that, outside of the prestige and listener interest which these shows created for the network, the effort was a step in the right direction and that the time is not far off when such a showcase will be able to produce pay dirt.

Columbia's program department is also being actuated in this direction by the personnel angle. The department is loaded down with capable and expensive producers, and, since there are hardly any open spots available for sustaining purposes up to 10:30 or 11 p.m., there's the problem of carrying them on the payroll until next spring or summer, when vacationing or exiting advertisers will again make the service of these producers again necessary.

Bill Paley, Paul White, Ed Chester In Airplane Tour of Americas

William S. Paley will head a Columbia Broadcasting System party making a goodwill tour through South America next month. Besides the CBS prez and his wife the entourage will be composed of Paul White, head of the network's news and public events operations, and Edmund Chester, who has been brought in from the Associated Press to direct CBS' Latin-American broadcasts. Party leaves Nov. 8 and will return to the States a couple of days before Christmas.

All hops will be by plane. The itinerary will first take the four-some down the west coast of South America. After Colombia, Ecuador, Peru and Chili have been visited, the Columbi junketeers will come up the east coast and make stops at Argentina, Brazil and Venezuela. Makes the first time that Columbia has undertaken one of these elaborate goodwill tours of the lower Americas. NBC has been going strongly at this sort of thing for the past several years. An outstanding example of it and of recent vintage was the concert tour of Arturo Toscanini and the NBC symphony orchestra. John F. Roybal, NBC v.p., preceded the Toscanini party to South America and also did much

WLAW in Lawrence May Play Part in CBS-WEEI Negotiations

Raps N. Y. Spielers

Milwaukee, Oct. 29. New York radio spielers came in for a none too gentle panning from Lew Valentine when he assembled and addressed the entire staff of WTMJ announcers who are assisting him in a series of five Monday night 'Dr. I. Q.' broadcasts from the stage of the Wisconsin theatre.

'The worst announcers I've had,' he told the local boys 'were the men I used in New York City.'

'They were so impressed with themselves that they careased every syllable they spoke. I don't want that! All I want is for you to say 'Doctor, I have a lady'—and don't croon it!'

NBC ADDING 14 STATIONS THIS WEEK

NBC proposes to announce this Friday (1) the addition to its affiliated list of a group of 14 stations scattered through the south. Bill Mervin, of its stations relations department, has been working on this assignment for the past several months.

A number of the stations in this group have not as yet signed their contracts and the network has decided to hold off releasing the list until all the contracts are in.

DR. PEPPER ACCOUNT TO BENTON & BOWLES

Benton & Bowles has added the Dr. Pepper beverage account to its list. It was brought into the agency by Atherton Hobler and Ted Huston. Account was previously with the Dallas office of Tracy-Locks-Dawson.

traveling with it and on previous occasions.

Title given Chester by CBS is Director of Broadcasting to Foreign Countries. His chief assignment will be to direct the programs of CBS' two 50,000-watt shortwavers, now under construction at Brentwood, L. I. Chester's title with the AP was head of the Latin-American division.

Lou Golan President Of Brown & Thomas Co.

Chicago, Oct. 29. Lou Golan, Chicago park commissioner and former v.p. for Schenley whiskey in Chicago, has been named chief of the Brown & Thomas advertising agency which is opening local offices. Golan is listed as prexy of the Chicago firm. Stanley Brown, president of the New York company, will be chairman of the board of directors of the Chicago company. Golan had been in the liquor distribution field since the repeal of prohibition and since leaving Schenley had headed his own drinkables distrib firm known as Liquor Products Company.

Station WLAW in Lawrence, Mass., which is slated to join the Columbia Broadcasting System on Nov. 17 may prove an important factor in any negotiations that the network may enter into with the Edison Electric Illuminating Co. of Boston for the renewal of the lease on WEEI. NBC had also bid for WLAW's affiliation with the idea of having it attached to the blue link when WBZ, Boston, switched to the red network, but Columbia's proposition snagged the contract.

WLAW is on 680 kc and although licensed for 1,000 watts (daytime) it is eligible for a boost to 5,000 watts. Under its lease with the Edison Co. of Boston Columbia has had to pay \$219,000 a year just for the equipment at hand and the WEEI franchise. The circumstances surrounding the deal at the time were such as to leave CBS no alternative but to pay the price asked by the Edison Co. Since then this rental figure has been a touchy item for Columbia.

By being on 680 kc WLAW is also eligible for Class A under the re-allocation plan, which means anywhere from 25,000 to 50,000 watts. Only fly in the ointment here is that WPTF, Raleigh, also on this wavelength, has already received a nod for 50,000 from the Federal Communications Commission and there is doubt whether the FCC will grant 50,000 watts to another station located likewise on the Atlantic seaboard.

GREECE HARD TO REPORT BY AIR

None of the networks had by press time yesterday (Tuesday) been able to bring any broadcasts out of Athens. NBC and Columbia each has a string correspondent in the Greek capital but the webs haven't been able even to get in touch with them. For NBC it's Edmund Stevens and for CBS, Betty Wason. So far the webs have had to get their coverage of the Greek-Italian clash by way of Belgrade, Ankara and Bucharest. It is assumed that the reason Stevens and Miss Wason haven't been able to clear broadcasts is that the facilities are tied up by diplomatic demands.

2d 'Alice Blair' of Radio

Getting a Picture Break

Rosemary De Camp, Coast radi actress who has replaced Martha Scott in the title part of 'The Career of Alice Blair,' is also making her film debut. Miss Scott's new picture 'Cheers for Miss Bishop,' which Richard Rowland is producing for United States. Miss Scott made her final appearance on the Oct. 18 'Alice Blair' to introduce her successor to the listeners.

Miss De Camp had previously been unable to get into pictures, as she was not regarded photogenic. However, Miss Scott, who likewise had trouble for the same reason, ranged to get Miss De Camp another test and a small part in 'Miss Bishop,' Charleston W. Alsop, who recently married Miss Scott, remains as director of 'Alice Blair.'

E. Katz Reps WKRC

WKRC, Cincinnati, has turned over its national sales representation to the Eugene Katz agency. Becomes effective Nov. 1.

Dramatic Method of Presentation Of Trade Problems Successfully Put Over at A.N.A. by CBS Players

By ROBERT J. LANDRY

White Sulphur Springs, Oct. 29. Last week's convention here of the Association of National Advertisers was marked by the use of a dramatized presentation of one of the most complex subjects before the membership—the consumer movement. As staged by Earl DeGill, of the Columbia Broadcasting System and a company of professional actors brought here for the occasion the presentation was in the form of a supposed rehearsal of a supposed broadcast. Running about 70 minutes the combination of actors, sound effects expert and director in action may well be the most pretentious employment to date of the methods of showmanship to dress up, dramatize and tie together in one package the salients of a trade issue for the benefit of a trade gathering.

What CBS did was to put into dialog and action a mass of statistical and other data on the consumer movement which the A.N.A. itself had collected. The vast extent of this material made its presentation as a read report or speech impractical. Broken up into a running script with half a dozen radio troupers to color it with interpretation and characterization the unpalatable became digestible at one sitting. The radio-like presentation unquestionably was a hit with the membership.

The text of the consumer playlet as of the talks made later in the morning by Otis L. Wiese, editor of McCall's; G. S. McCall, secretary of the A.N.A.; and George Gallup, of Young & Rubicam, are not quotable. (Which cramps Varner's style badly!) Some of the amusing trade gags were more than anything else what savoured and saved the presentation from being dull, as it could early have been.

Lightened Convention

Radio played a conspicuous part in lightening the convention generally. Reggie Scheibel, of the Blow agency, sent down Wahl's "Take Or Leave It" quiz with Bob Hawk; Abe Schecter, of NBC, set up a two-way European broadcast, while Will Roberts, of the same web, had a bunch of entertainers down to provide the "Ad-Ribbers Revue," now an annual A.N.A. event.

In the "closed meetings" of the first day D. P. Smelser, of Procter & Gamble, and Al Lehmann, of the Cooperative Analysis of Broadcasting, led a discussion of radio program popularity checking. Problem-wise radio was not conspicuous on the agenda of the convention. The consumer movement for one, the effect on business if war should come for another obscured all else.

In a four media forum, an A.N.A. innovation that was only partly successful, Grove Patterson, editor of the Toledo trade paper for new papers; George Wharton Pepper spoke for the posters; Mark Etheridge, of WHAS, Louisville, spoke for broadcasting, and Roy Larsen spoke for magazines.

Del Monte Dramatization

By WILLIS WERNER

Del Monte, Cal., Oct. 29.

Radio's contribution to the sixth annual conference of the Pacific Council, American Association of Advertising Agencies here Oct. 24-25 was a comedy gidrion skit on how not to sell a radio program. Staged Thursday evening by Coast radio talent, emceed by John Hiestand, Jack Smalley, Coast radio head of Batten, Barton, Durstine & Osborn, arranged the stunt, first of its kind, which was followed by only serious talk of the evening, delivered by Lewis Allen Weiss, Don Lee chief. Weiss drew on instances observed during his career to further illustrate evils of setting budgets out of reach for clients, cooking up wrong type of shows for product to be merchandised, etc.

Although number of radio people attended, it was mostly for the golf (crimped by rain after they got there), this year's convention touching radio only in passing. Last year, aircasting took spotlight, convention action resulting in establish-

ment of C. E. Hooper ratings on Coast.

Radio execs present included Don Gilman, Syd Dixon and Tracy Moore, of NBC, Hollywood; Don Thornburgh, Harry Witt, George Moscovitz, CBS, Hollywood; Wib Eickelberg, Don Lee, Hollywood. From the Frisco area, affair drew Lincoln Dellar and A. J. Kemp, of CBS-KSFO, Ward Ingram, of Don Lee, and Gene Grant and Harry Bucknell, of NBC.

Speakers included Atherton W. Hoibler, Benton & Bowles proxy from N. Y.; Donald Hobard, Curtis publications (who urged advertisers not to cut budgets); Don Belding and Harwin T. Mann, of Lord & Thomas, L. A.; Fairfax Cone, Lord & Thomas, S. F.; Roswell Cochran and Walter Burke, McCann-Erickson, S. F.; Ray Reeves and Arthur Farlow, J. Walter Thompson, S. F.; Warren Kraft, Erwin Wasey, Seattle; Kay Kamen, merchandising chief, Walt Disney enterprises, John Benson, 4A proxy and others.

WGN CONCERTS, INC., TO RAID NBC, CBS LISTS

New York office of WGN Concerts, Inc., was opened Monday (28), with Ted Carr, formerly assistant executive-secretary of the American Guild of Musical Artists, in charge. Austin Wilder, director of the agency, is currently in from Chicago to supervise setting up the local office. First New York recital handled by the agency will be Sascha Gorochnikoff, pianist, at Carnegie Hall, Nov. 29.

Complete artist list for the firm will be announced Dec. 1. Names will be withheld until then, as most of the artists are now under contract to Columbia Concerts Corp. and NBC Artists Service. WGN Concerts will book both concert and radio engagements.



POLLY

Whose chuckles and cheerful time-signals greet WJZ families every morning on ED EAST'S "BREAKFAST-IN-BEDLHAM," Alec Constant-Greeter with Ed on "KITCHEN QUIZ" for WHITE ROSE TEA-WJZ-DAILY.

NBC ARTISTS SERVICE
Radio City New York

Alec Woolcott Cavalcade Date Is Set For Nov. 20; He Buys Political Time

Alexander Woolcott's one-man show on Dupont's "Cavalcade of America" series, scheduled for tonight (Wednesday), has been postponed. Date is now tentatively set for Nov. 20. Hitch was the musical background for the piece, which failed to satisfy Woolcott. Deems Taylor is doing the score for the revised show. Woolcott has written the script and will be the only performer on the show. Date was set by Leggett Brown, his agent.

Writer-actor is making a political talk tomorrow night (Thursday) over CBS, under the sponsorship of the Independent Democratic Voters. Because he wants to make a public statement of his political views, Woolcott is paying for the time over WABC, New York, out of his own pocket and he will urge the reelection of President Roosevelt. The Democratic National Committee is paying for the broadcast over 30 other CBS stations.

BMI Gave a Party, Few Came, Fewer Stayed, Is Irving Caesar Taunt

Editor, VARIETY:

The turnout of 66,805 persons for the recent radio-boycotted Musical Festival at the San Francisco World's Fair, despite the fact that the event was publicized solely in the newspapers, proved two very important things, namely:

- (1) The public wants good music enough to go out of its way for it.
- (2) Newspapers are still a good means of reaching and influencing the public.

I consider these points of great importance because of the fallacious propaganda being circulated by BMI, the radio trade association and radio chain officials, to the effect that the music of ASCAP composers will no longer have popular appeal after it is boycotted by the stations. My recollection goes back to the days when there was no radio, and yet the hit songs became popular enough to sell in the millions. They don't think that in this radio age. Perhaps when ASCAP music is "un-chained" again, we'll get back some of the good old days for sheet music and phonograph records—and royalties therefrom for the composers, authors and publishers.

What intrigued me particularly about that San Francisco incident was the pulling-power of the press. Announcements about the Music Festival were carried only in the news columns of the daily papers. Nevertheless, the event drew a record attendance. I have known of comparable occasions where radio was the exclusive medium of publicity, but the results in public response were much less.

This testimony to the press as a medium of public contact means a lot to ASCAP in the present controversy started by the radio chains. For, in the long run, the question of whether the chains can permanently boycott the works of the leading composers and the favorite

music of the nation will be answered by public opinion. And the most influential media to this end, as has been demonstrated, is the newspaper.

What They Came to Hear

The big attendance at the Music Festival in San Francisco also was a tribute to good music and the personalities connected with it. Music lovers turned out to hear "God Bless America," sung by Irving Berlin; "It's a Grand Old Flag," sung by George M. Cohan; "The Lord's Prayer," composed by Alfred Hay Malotte and sung by John Charles Thomas; "The End of a Perfect Day," played by Carrie Jacobs Bond; "Old Man River," with Jerome Kern at the piano; "Dark Dancers of the Mardi Gras," with Charles Wakefield Cadman; Deems Taylor's "Circus Day," conducted by Edwin McArthur, and many other musical masterpieces, played or sung and conducted by outstanding names in the music world.

Here was a musical cavalcade of such magnitude that nothing like it had ever been staged in San Francisco or anywhere. Ordinarily, the radio chains would have fought for the privilege of broadcasting such a star-studded event, program of such universal appeal, especially since the artists donated their services and there was no cost to radio!

But, because the chains are fighting ASCAP, the event was completely snubbed by them. The chains gave a clear example of disregard of their obligations to the public, disregard of their pledge to the FCC, and disregard of 'news values,' by barring the Music Festival completely from their channels. It was a plain case of prejudice and discrimination despite the supposed freedom of the air.

The daily papers, on the other hand, kept faith with the public. They kept faith with their impartial judgment of news values. They not

A Small Station Comments—

Says Steve Cislér of WGRC, New Albany, Indiana: 'We're through being a sucker for New York and Hollywood publishers.'

New Albany, Ind., Oct. 26.

Editor, VARIETY:

The pot calls the kettle black! ASCAP Paine has little call to rebuke NAB and BMI for enormous outpourings of "propaganda." He ought to check up on the terrific blah that comes via mail from ASCAP.

Paine should check up on his facts, too. We are getting tired of hearing the ASCAP yelps that big, bad radio is going to boycott that dear old hymn, "The Old Rugged Cross," and "The One Hundredth Psalm," and all the other religious songs under the ASCAP banner. Radio isn't boycotting any song. Radio isn't through being the sucker for New York and Hollywood publishers.

The little stations in small cities and large are tired of pounding the pavement to sell spot announcements, newscasts, and other odds and ends that do not use a single note of music, ASCAP or BMI, and then paying off on a gross percentage figure.

Plenty of the small stations are finally figuring out just how many announcements they MUST sell to pay the ASCAP take now.

Paine is mad at the networks for insisting on their terms. Isn't ASCAP equally obdurate on its plan of payment?

The simple facts are that ASCAP wants more for its product than radio thinks the product is worth. So... no deal.

Brushoff to Berlin, Herbert. I personally am getting tired of having Irving Berlin and Victor Herbert's names dragged into every discussion. This old world enjoyed music before these worthy gentlemen came along. Did God grant Berlin and ASCAP a monopoly on song-writing gifts? I don't think Mr. Berlin does or Mr. Herbert would, if he were alive, think they are as indispensable as the ASCAP nabobs. Their melodies are

good, we'll admit, but so are those of other people.

Another string on the ASCAP harp that is getting pretty thin is what will George Washington Hill do with his "Hit Parade"? Frankly, who cares? Mr. Hill can move on to new and greener fields. He has a mind that gets around. And like most alert advertisers he knows that increases in radio costs eventually get passed on to the advertiser, and that the law of diminishing returns begins to operate when costs go too high in any media.

Our station will save plenty in not having an ASCAP contract January 1. WGRC is satisfied with BMI and what it is putting out so far. We know the job isn't complete, but we'll get along. Our music shelves have ample pieces of music from BMI and AMP and SESAC. Our three libraries of transcriptions will give us over 4,000 individual recordings. Our staff is trained to pick music carefully. January 1 only means a little more care.

I have had big shot announcers come in looking for a job. They are good. But they want \$100 a week. We can't and don't pay salaries like that. So, the boys move on... and we hire some capable fellow within range of our pocketbook. Maybe not so good, but in time he'll answer our needs.

So, we live with ASCAP. We like their music, but not their prices. So, BMI offers acceptable music at reasonable prices. So do others. And come January 1, BMI, AMP, SESAC and a few others will give us all the music we want. Our folks will like it. Belonging to ASCAP isn't any guarantee that every new piece of music is a hit. So what?

Another thing—Gene Buck of ASCAP isn't making his biggest customer more love-dovey by such cracks as "why use radio for any statement of importance?" This is the typical narrow ASCAP mind. The politicians think enough of radio for statements of importance. It is a mighty aid to elect a candidate to president, it can elect some unknown tunesmiths and their creations to wide and lasting popularity.

Emphatically,
S. A. Cislér,
Gen. Mgr.

A RADIO FAN HAS SAY ON BMI MUSIC

Chicago, Oct. 25.

Editor, VARIETY:

VARIETY comes to my desk in my capacity as a drama librarian. I read the rest of it, too, however, and so have been much aware of the ASCAP quarrel.

Radio is undoubtedly my favorite amusement. I don't accept invitations that conflict with my favorite programs. I write fan letters. I buy small amounts of many advertised products for the purpose of repaying my obligations to the sponsors (of course some products top my shopping list just because they're good). Radio is the greatest power for good and evil that has so far made its appearance.

BUT, so far, at least, radio cannot produce at will the genius to write musical hits—as witness page 40 of your Oct. 23 issue. For many weeks the networks have plugged such lousy songs as "There I Go," "Same Old Story," "Practice Makes Perfect" (which all sound alike), "I Give You My Word" and "We Could Make Such Beautiful Music." Yet which of them show up in the column of "Best Sheet Music Sellers"? Only one, "Practice Makes Perfect," and I wouldn't pay 5c for it myself. If people aren't buying songs, you can be sure they listen to them with only half an ear over the radio.

I believe that most of the public are indifferent to the terms of the ASCAP argument, but they do want the best popular music regardless of which side can give it.

Before I close, VARIETY, let me ask you why you don't mention more often the best program on the air, barring none, the "Breakfast Club"? It's tops.

(Signed) Muriel B. Drell
6106 University Avenue.
Dorothy Thompson is WFL, bankrolled by the Chrysler Dealers of the Philly area.

only devoted many columns to the Festival, but put it right on the front page where an event of such distinction belonged. And the review, after the critics had personally witnessed the enthusiastic public reception given the composers, conductors, singers and their music, showed that their judgment had been right.

N. Y. Fair's ASCAP Day

Practically the same thing happened on ASCAP Day at the New York World's Fair last week. Harvey D. Gibson, Chairman of the Board of the Fair, invited Gene Buck to stage a Music Festival here the same as in San Francisco. And how the people turned out for it! Attendance at the World's Fair that day was the biggest for any weekday in the history of the fair; and the number of persons who tried to get into the Hall of Music for ASCAP's Music Festival topped the San Francisco crowd.

Yet this unparalleled event, this counterpart of the musical cavalcade which Marshall Dill, president of the San Francisco World's Fair, described in a dedicatory scroll to Gene Buck as "the outstanding musical festival of our century," was again boycotted by the radio chains!

As a contrast to the immense crowds that attended these ASCAP performances, take the concert put on by the National Association of Broadcasters in one of the San Francisco parks at the time of the N.A.B. convention. The program consisted of BMI music exclusively. At the start of the concert, about 2,000 persons were present. Within 15 minutes, that audience of 2,000 had dwindled down to about 200.

What does it prove? Just this: If you don't give audiences the music they want, they will lose no time walking out of the place. And if the radio chains don't give the listening public the music it wants, it can dial out even faster than that. Irving Caesar.

N. A. B. NOT TO NEGOTIATE

Milwaukee Journal (WTMJ) Devotes Much Space to ASCAP vs. BMI

Milwaukee, Oct. 29. Evidently to put the public in a receptive frame of mind for Broadcast Music, Inc., products in the event the American Society of Composers, Authors and Publishers fails to come to terms with the radio networks by Jan. 1, the Milwaukee Journal, owner of WTMJ, and the FM station WKAO, has been devoting columns of space daily to a series of articles on the BMI-ASCAP situation.

Although there is an apparent attempt to convey the impression that the articles are inspired from an unbiased source, local ASCAP reps assert the stories are angled to cultivate good will for BMI and anything but for ASCAP, with four and five-column headlines, such as "Huge ASCAP Spy System Makes Music Users Pay Up," "Musical Battle of Alphabet Pits Radio's BMI Against ASCAP," and "Radio's Reservoir of Music Gives New Writer a Break." Subject matter is along the same lines, ASCAP being cited as a monopoly, the increase in ASCAP fees from year to year, the huge forward strides made by BMI having ASCAP worried, the super sleuthing service of ASCAP, and so on.

According to the by-line, the series of articles is authored by "Edgar A. Thompson, of the Journal Staff," but there is no mention of the fact that he is the newspaper's radio editor.

Action Versus RCA Is Partly Ruled Out Under 6-Year Rule

Approximately \$400,000,000 worth of a \$500,000,000 stockholder action against Radio Corp. of America, General Electric Co., Westinghouse, NBC, Victor and 29 officers and directors of RCA was dismissed Monday (28) by N. Y. supreme court Justice Bernard L. Shientag. The court ruled in a lengthy opinion that all charges concerning events which transpired before 1933 were barred by the statute of limitations.

Six-year statute thus applies to the charges that prior to 1930 RCA purchased worthless patents from Westinghouse and General Electric, and paid for the patents with 6,000,000 shares of its common, worth \$40 a share; that RCA paid \$150,000,000 for the assets of Victor in 1929, when Victor's book value was \$58,739,836; that RCA invested and lost \$11,000,000 in RKO; that exorbitant dividends were paid to RCA directors and officers over a number of years, and also for fictitious services; and that RCA directors traded wrongfully in Victor stock.

Those charges of malfeasance and wrongdoing covering the period after 1933 were allowed by the court to stand and will probably be tried. Action is brought by 12 stockholders, all owning shares of RCA.

Classified Broadcast Ads Covers Idea at WMCA

Albany, Oct. 29. Classified Broadcast Ads, Inc., has been chartered to conduct a radio broadcasting business in New York, with a capital stock of \$2,000, \$1 per value.

Directors are Paul F. Collin, Paul A. Landsman and Herman Jervis, all of the law office of Rosenberg, Goldstein & Collin, of New York City, which did the filing.

The filing attorneys are also counsel for CBS, but Collin declared that the incorporation had nothing to do with the network, but that it merely covered a program idea that was being started on WMCA.

Lawton Campbell to L.A. Lawton Campbell, Ruthrauff & Ryan v.p. in charge of radio, left Monday (28) for Hollywood on what he described as a routine visit. He will get back to New York Nov. 4.

Steal Mobile Unit

Philadelphia, Oct. 29. WCAU's mobile unit, a station wagon loaded with recording and transmission equipment, was stolen from a parking lot near the studios last Friday (25) and used in a couple of holdups by bandits.

Up to yesterday (Monday) the outfit hadn't been recovered.

JOKES OFF AIR, NEW SERVICE FOR TRADE

Advertising agencies are being circulated with an offer of a "joke library" service. Sender, who gave a return address but no telephone number, quoted a price of \$10 a week or \$100 for 13 weeks. Offer included a file of jokes, plus all others heard over the networks during the preceding week. Circular explained that the service would be useful in avoiding repetition of jokes recently used, in rewriting gags from other programs.

According to legal interpretation, sale of use for profit of material taken from the unlawful Sender of the circular was apparently unaware of that fact.

Jack Amlung Orchestra Again Crazy Crystallizing

San Antonio, Oct. 29. Titled "Your Crazy Program," new series of quarter-hour programs made its debut over the Texas Quality Network on Sunday (28). Airings originate daily at Mineral Wells, Texas home of the Crazy Crystal Co. "Talent" as in previous Crazy Crystal shows, Jack Amlung orchestra. Loop includes WBAP, Fort Worth; WOAI, San Antonio; KPRC, Houston, and WFAA, Dallas.

Promote Henry Dupre

New Orleans, Oct. 29. Henry Dupre, special events director of WWL, Thursday (24) was upped to program director of the station. He replaces Jimmy Willson who resigned last week.

Dupre will continue to handle special events and sport broadcasts in addition to his new duties.

Cy Caldwell on WOR

Cy Caldwell, World War aviator and substitute commercial flyer and an associate editor of Acro Digest, has been added to the WOR staff as aviation commentator. He's doing a regular series over Mutual.

Kyser Studio Tests Non-ASCAP Quiz; NBC, G. W. Hill Watch For Omens

Kay Kyser will test out quiz program containing no ASCAP tunes before a studio audience in NBC's Radio City plant tonight (Wednesday). The results of this test are quite important to the band leader's future on the Lucky Strike payroll, since the reactions of this audience will largely determine the decision of George Washington Hill, American Tobacco Co. prez, in the matter of continuing the quiz series after Jan. 1, if the networks and ASCAP fail by that time to complete a li-

REJECT URGINGS TO MEET ASCAP

See No Further Reason For Talking Things Over With ASCAP—Dance Orchestra Leaders Attempt to Act As Peace-Makers Gets Nowhere

WILL FIGHT

The board of directors of the National Association of Broadcasters has put itself on record as being opposed to entering into any negotiation with the American Society of Composers, Authors and Publishers. Stand was expressed at a meeting of the N.A.B. board last Friday (25) after Neville Miller had presented a letter he had received from the committee of band leaders, which is seeking to get representatives of the two factions around a negotiating table.

In the letter from the maestros it was stated that ASCAP had agreed to a meeting with the committee to talk to broadcasters on the subject of working out a contract which would be based on the principle of paying only for programs using ASCAP music. The majority of those present at the N.A.B. board meeting took the position that ASCAP's willingness to discuss the topic hasn't changed the complexion of the board's attitude toward ASCAP in the least and there was nothing in this offer that could be taken as a basis for action by the board.

Among the questions raised at the board meeting was whether those present were disposed to a knock-down fight and against conferring with ASCAP and the majority sentiment indicated that it was determined to stay clear of ASCAP and go into Jan. 1 without even making a further attempt at negotiations. When Miller makes his answer to the letter from the band leaders' committee, headed by Fred Waring, he will, according to the recommendations aired at the N.A.B. board meeting, state that the committee's communication cannot be considered a complete proposal nor something tangible which could be used by the N.A.B. board as a basis for discussion.

Back to Old-Style Plugs

Jack Robbins and Harry Link will go back to the old-fashioned music business this week, anticipating any ASCAP-radio breach, and will essay the yesteryear style of behind-the-counter song demonstration. Robbins will test it out on his tour to Pittsburgh to see "Icecapades," whose tunes (by John LaTouche-Vernon Duke) he publishes, and at the same time contact the trade direct.

Link, professional head of Feist, is dittoing, although the Robbins-Feist-Miller combine points out that despite BMI, this week Feist's "Two Dreams Met" rates third on "the sheet," and for a time topped BMI's No. 1-2 songs.

A coincidental band booking and

Petrillo Bans 'Breakfast Club' And 'Show of Week' as Tending To Discourage Local Musicians

Non-ASCAP Themers

Hollywood, Oct. 29. First of the network shows here to change themes, in anticipation of a continued impasse between the broadcasters and American Society of Composers, Authors & Publishers, is "One Man's Family." Paul Carson has dashed off a ditty which replaces "Destiny Waltz," used for the past seven years.

Carson also composed "Chansonette Irene" for Irene Rich's "Dear John" serial.

EXTRA MUSIC COST FOR L.A. PROGRAMS

Los Angeles, Oct. 29.

Wage increases for musicians on 22 network shows emanating from here will amount to \$2,148.25 per program, according to Musicians Protective Association, Local 47. It counts up to an additional \$7,927.25 for the usual 13-week cycle and a total of \$85,781.75 for the 1940-41 air season.

Upped salaries are the result of new pacts between local musicians and other companies. Number of employees on the 22 weekly broadcasts is 363, a gain of 63 over the previous season.

Cummings Quits B.&B. To Produce On Coast

Hollywood, Oct. 29. Sandy Cummings has resigned from Benton & Bowles to launch a new theatrical enterprise. He plans to produce and direct a series of stage plays here.

For the past four years Cummings was Coast contact for the agency and aided in production of its radio shows here.

Music publishing business is being set up as the Cuban Music Corp. of America, of which Eliseo Grenet, native composer-conductor, is president, and Oscar Roche and Bobby Martyn managers. Latter two were partners in the original LaConga nitery. Lillian Corsover, long with Gilbert Miller, is sec-treas.

The music pub end will tie in with Broadcast Music, Inc., and a separate Cubaco will be set up for that purpose, featuring Grenet's works, along with those of other native song-smiths.

James Petrillo's latest rule barring the use of musicians on co-operative network commercials will not be enforced by the American Federation of Musicians until the expiration of those contracts held by sponsors for such programs. This relief applies only to the specific term of the contracts at hand. If the obligation is for 26 weeks, action may be deferred for that full period, but if the contract is one of those based on 13-week cycles the rule becomes effective with the end of the current 13-week period. Directly affected by Petrillo's ban is "The Show of the Week" on Mutual and "The Breakfast Club" on NBC. Columbia has no co-operative shows using music.

Petrillo's makes the first action ever taken against the network practice of permitting affiliated stations to do sponsorship of a network program to a local advertiser. Reason given by the AFM prez for ordering that this arrangement be ended is that it tends to destroy the employment of local musicians by these same local stations. It is Petrillo's contention that if these co-operative programs were not available the local stations would make a greater effort to sell similar musical shows of local origins to the same advertisers. He also holds that the comparatively small talent cost allotted locally on the co-operative programs makes it virtually impossible for local programs of similar type to compete against them for sponsorship.

Plaunts' CBC Walkout Seen As Disapproval Of Commerc Trend

Montreal, Oct. 29. Registration of Alan B. Plaunt, as member of the board of governors of the Canadian Broadcasting Corp. earlier this month, was accompanied by open letter now made public to effect that he could no longer continue to accept responsibility for the internal organization and executive direction of the corporation when "I have long ceased to have confidence in it."

Plaunt's resignation has been variously interpreted in radio circles as an indication of dissatisfaction with commercial color which national broadcasting has assumed in last two or three years.

Broadcasters recall that Plaunt was member of organization launched ten years ago which had as its objective a national radio system in which preponderance of programs would be free from advertising and also intensify development of native talent.

N. L. Nathanson, governor and vice-chairman of the Canadian Broadcasting Corporation, was re-appointed as governor for a period of three years last week as was Major-General F. B. Odum, now overseas in charge of second division of Canadian Active Service Force.

JULIUS SINGER SUES NBC Claims Commission Due Film Booking for Television

An action by Julius Singer for \$15,000 against the National Broadcasting Co. was revealed in the N. Y. supreme court Monday (28), when the plaintiff sought permission to examine John F. Royal, Alfred H. Morton and Clarence W. Earle in a three years trial. NBC has entered a general denial to all charges and seeks a dismissal.

Suit claims the plaintiff between July 20, 1936 and March 1, 1938, at the request of NBC, aided the web in acquisition of exhibition rights to motion pictures for television. NBC allegedly promised to pay, but has failed to give Singer anything.

Param

"NORTH WEST M**HITS 230%****GROSS IN****EQUALS CANADA'S**

Gary Cooper • Madeleine Carroll in Cecil B. DeMille
Paulette Goddard • Preston Foster • Robert Preston • Akim Tamiroff •

Produced and Directed by Cecil B. DeMille • Original Screen Play by Alan

ount's

DUNTED POLICE"



RECORD

U.S.A.

"UNION PACIFIC"
record was 130%

SNOW WHITE" BUSINESS!

e's "NORTH WEST MOUNTED POLICE"

the Overman • George Bancroft • Lon Chaney, Jr. • Walter Hampden

Miss Lasky, Jr. and C. Gardner Sullivan • A Paramount Picture In Technicolor



Gabbiest Show On Air (Kraft) Due To Have More Music, Less Verbiage

Hollywood, Oct. 29. Less gab and more music, along with other changes, have been decreed for Kraft Music Hall. Change in formula is understood to have been made in anticipation of Bing Crosby's return to the show Nov. 21. Crooner, quoted from New York sources as saying he is pretty well fed up with long speeches and wants more music in the program. Although the latest option pickup is hanging fire pending Crosby's signature on the insertion of war clauses in the contract, it is said all differences have been composed following talks with Danny Danker, Coast head of the Thompson agency. Crosby's option contract with Kraft still has five years to go.

Connie Boswell joins the Kraft program Nov. 14, putting a spotlight on the radio singer into the program along with the male star, Bing Crosby. This further emphasizes the changes due in program.

In line with changed formula of the cheese show, a dramatic insert from a picture was used for the first time last week. Jackie Cooper and Bonita Granville reenacted a sequence from 'Our Town'.

In the trade Kraft has been pegged the gabbiest show on the air, with Carroll Carroll turning out an average of 15,000 words for each program. Also contributing to the show's revamp is the spotting opposite Major Bowes' amateurs and the attendant falling off in the listener survey. On the last C.A.B. the major was leading Kraft by nine points. It is pointed out that the show always dips during Crosby's layoff and that Major Bowes will have a fight on his hands when King Croon gets back.

NAT SHILKRET AT WGN, WEBER ON OPERA STINT

Nat Shilkret will conduct the orchestra on the WGN Chicago opera series Saturday nights over Mutual, beginning Nov. 9, when Henry Weber relinquishes the stint in favor of his duties with the Chicago opera. William Bacher wears the earphones.

Among the scheduled guests on the series are John Carter in 'Robin Hood', Nov. 9; Richard Bonelli in 'Desert Song', Nov. 16; Igor Gorin in 'Countess Maritza', Nov. 30.

Hollister Off KFBI

Wichita, Kas., Oct. 29. Herbert Hollister, vice-president and general manager of radio station KFBI here, resigned Tuesday and was succeeded by K. W. Pyle, assistant manager and technical director of station. Hollister, who had been with station since it was moved here from Abilene 10 months ago, had been devoting time to reorganization of station. Pyle was formerly manager of station for six years while it was located in Abilene.

Fred L. Altan, commercial manager, becomes director of all sales of commercial time. He came to KFBI from KLZ in Denver early last summer.

Hollister will now devote full time to radio station KANS here of which he is one of owners and president, and station KMMJ, Grand Island, Neb., of which he is also one of owners.

Bob Crosby in Frisco

San Francisco, Oct. 29. Bob Crosby's NBC-Red Camel Caravan originates in Frisco four times starting this week (31). Crosby opened Friday (25) at Hotel Mark Hopkins. Will do his Thursday night there from Community Playhouse, which will leave just 30 minutes to set up for a symphony for Standard Symphony Hour, which is piped to Mutual from same spot. Sutter St. Playhouse getting a radio workout this week, with Bob Hope doing two previews and tonight's (29), broadcast therefrom.

Rollie Williams, head of the production dept. of KMOX, St. Louis, in hospital for operation. Will be off the track for two months.

Editors Split a Celeb

Minneapolis, Oct. 29. Editors of two rival newspapers appeared together on a broadcast for the first time in the Twin Cities when they interviewed Raymond Clapper, Washington columnist, who was here for a lecture over WCCO. They were Basil Walters and Russell Wiggins, managing editors of the Minneapolis Star-Journal and St. Paul Dispatch, respectively.

MUTUAL ADDS THREE IN VIRGINIA AREA

Three more stations join the Mutual network as of next Monday (4). Brings the total number of affiliates to 159. Newcomers: WLVA, Lynchburg, Va.; WBTM, Danville, Va.; WSLR, Roanoke, Va.

Aviation 'Ground School' In Empty WCAU Studio

Beginning Monday, Nov. 5, an aviation ground school will be in session at the studios of WCAU. The school is in line with the outlet's recently adopted policy to plug interest in flying as a contribution toward national defense.

The school will use instructors okayed by the Civil Aeronautics Authority and C.A.A. textbooks. Classes will be held three times weekly and will continue for 20 weeks with courses including navigation, flight theory, principles of combustion engine and allied subjects. Cost to students is five bucks for the entire course to cover expenses of books and instructors.

Ten airports in the Philly area have donated flying scholarships, five to be apportioned according to merit, and five to be drawn by lot. Joseph T. Connolly, WCAU, promotion head, is director of the school.

Coca Cola Still Talking

Coca Cola is again talking about doing something in the way of network radio. It's listening to program proposals and checking on available time.

Account has indicated that it may even go for a schedule of two programs a week. D'Arcy is the agency.

Don Francisco Becomes Radio Head of Rockefeller Cultural Pan-Americanism

Don Francisco has resigned the presidency of Lord & Thomas to head up the radio section of the committee on communications in the Latin-American relations organization which Nelson A. Rockefeller has undertaken in behalf of the Washington administration. Assignment will bring Francisco in contact with the flow of news and information between this country and the Latin-American country and also the general programming directed toward the southern hemisphere by the various broadcasting setups in the United States. For the first few months Francisco will do much traveling.

Francisco came to New York as president of the agency two years ago. He joined the agency on the Coast in 1921. Prior to that (1914-1921) he was advertising manager of Sunlight, an L&T account. Francisco proposes to keep his stock in L&T and stay on the board of directors and executive committee. He has been earning around \$100,000 a year.

Talent Turns Sponsor

San Antonio, Oct. 29. After a period of several years on a sustaining basis on KONO, Louie and his Oldtime band, have now purchased a quarter hour on a commercial basis to exploit their band, giving their dance dates and plugging for open dates.

This is a new experience for both the local station and an entertaining group. Louie attributes his widespread success in both bookings and attendance to his dance jobs to popularity created by his broadcasts on KONO.

Mutual Lines Up Symphonies As Offset to NBC, CBS Cultural Edge

Wade Joins WHB

Kansas City, Oct. 29. Reese Harold Wade has been named manager of client service at WHB. He succeeds Frank Barhydt, who held the post during the past five years, but took up new duties at KMBC last week when Chick Allison departed to WLW.

ARMSTRONG DESCRIBES OTHER ASPECTS OF F-M

Syracuse, Oct. 29. Regardless of its acceptance in commercial radio, FM will have definite values in aviation, police and army service, Maj. Edwin H. Armstrong, its inventor, declared here in an address to a Syracuse scientific group.

Because of its curious immunity to interference between two stations, Armstrong said, FM will provide planes with air markers for blind flying. Connecticut state police are now experimenting with FM 'talk-back' sets and Chicago police are now installing 200 sets. Military uses are numerous, but the subject was taboo.

As for its commercial value, Armstrong offered a demonstration with a portable record player contrasting two broadcasts and forecast prompt acceptance by the public.

McAvity East in 1941

Tom McAvity, who was recently named a Lord & Thomas v.p. and director of radio, won't move east from Hollywood until the middle of January.

His successor, as head of the agency's Hollywood office, Norman Morrell, will take over his new spot Jan. 1.

Columbia Is \$1,500,000 Into The Till On Television, Including Its New Color

By PAUL W. KESTEN

Vice President, Columbia Broadcasting System

I saw red, blue and green when I read VARIETY's report on U. S. television on October 23d.

Few people know all the facts on television in America, fewer still the prowl of forces behind the facts. Because VARIETY lacked some of them, this lack led VARIETY to paint a sad picture of television development here.

For example VARIETY reports: 'The great advantage America was expected to have over England (in television) when BBC's comparatively advanced television was abandoned, has perhaps already been lost. After a spurt of progress, all real advancement has stopped on this side.'

To this I would comment: American television, always abreast of Europe in technical developments, has moved far out in front by bursting forth with color. BBC's director of television, Gerald Cock, acclaimed CBS color television as 'miraculous,' called this to his colleagues in London, privately expressed his belief that if America can start television broadcasting with color for direct pickup of actual events, the popularization of the new art should be advanced by leaps and bounds and public response should be multiplied many times over.

Again VARIETY says: 'It is doubtful that as things now stand, RCA could justify this huge experimental program expenditures to its stockholders.' CBS, of course, has frankly no intention of doing anything more than 'shadow-boxing.'

The facts are that CBS has invested more in television, and has done more serious work in it than any other broadcaster in America who is not in the set manufacturing business through a parent company, subsidiary company or any other tie-up.

CBS has expended to date over \$1,500,000 in television, has built and equipped the largest television studio in America, has created and tested hundreds of television programs, but has consistently refused to broadcast them as 'bait' to sell consumers expensive receiving sets until technical standards had sufficiently 'jelled' to protect the consumer against radical change which might make sets useless.

CBS has done all this up-hill. It has found the best camera equipment in England or America not good enough to do the job it wants to do, not good enough to give television a lustrous start as a new art. CBS engineers have designed and ordered better equipment, have already waited 14 months to get it, have produced color television without it.

VARIETY reports about CBS: 'Recently when its one man engineering department, Peter Goldmark, rushed in a demonstration of color television . . . the immediate result was to steal the show from RCA-NBC.' The facts are: CBS has a 47-man full-time television organization, a 25-man television engineering personnel. Dr. Goldmark may or may not be the most able inventive engineer in television ranks—he could not alone have produced color television after hundreds of engineers in the vast laboratories of equipment manufacturers had abandoned hope that it could be done in the limited six megacycle 'width' of present television channels. Full credit is due him and his compact but talented staff for having lifted television out of its drab grays into full and glorious color, perhaps lifting all television, in this process, from a defeatist slough to a sound, sure-footed optimism.

As for VARIETY's statement that: 'Faced with the Government philosophy that all must wait for the slowest among them and with no plausible way of getting back any portion of an already staggering investment in television, RCA is understood to be loath to go beyond routine programs such as are recommended.'

Whatever may or may not be Government philosophy, the net result of deferring 'commercial television broadcasting has been to permit the swiftest, not the slowest, to lead. CBS will offer full color television to all radio set manufacturers on a fair and non-exclusive basis. CBS is convinced, because everyone who has seen it is convinced, that color may well make the difference between success and failure for U. S. television. VARIETY may be interested to know, as news, that important British interests have come to see CBS color television, that its possible use in England when the war permits has already been discussed.

VARIETY need not be ashamed of U. S. television development because full-color puts U. S. television as far ahead of black and white as a modern Ford or Plymouth is ahead of the old Model-T.

VARIETY need not commiserate RCA-NBC, because RCA-NBC are welcome to CBS full-color television.

VARIETY need not depress American spirits on any television front, because American spirits are running high since Peter Goldmark pulled three colored rabbits (one red, one blue, one green) out of a size six black-and-white hat.

Mutual is lining up various name symphony and opera series to compete with the leading classical music programs over NBC and CBS. Network yesterday (Tuesday) signed with the Chicago Opera Co. to air six Monday night opera performances from the Chicago Opera House. At the same time, it was reported from Philadelphia that negotiations were underway for the broadcast of the Friday afternoon concerts of the Philadelphia Orchestra. These two series, in addition to the Thursday night Chicago Symphony Orchestra concerts and the Alfred Wallenstein symphony broadcasts already on the air, will give Mutual an impressive lineup of classical music.

Chicago Opera broadcasts begin Monday (4), although the first week's stanza will not be carried over much of the network because the time has been taken for political talks. Shows to be heard over the network will continue from Nov. 11 through Dec. 9. Time is from 10:30 p.m. to midnight. Among the artists scheduled to be heard are Lily Pons, Kirsten Flagstad, Lauritz Melchior and John Charles Thomas. Sustaining rights to the operas were obtained by the Chicago Tribune, owners of WGN. Latter station recently set up its own concert bureau with offices in Chicago and New York.

Philadelphia, Oct. 29. Broadcasting rights for the Friday afternoon concerts of the Philadelphia Orchestra from the Academy of Music here are being sought by the Mutual Broadcasting System. Understood a deal may be signed late today. (Times day) or tomorrow. WHL would pick up the concerts and air them locally, as well as feeding them to the rest of the network.

Leopold Stokowski is to baton three of the season's concerts, with Eugene Ormandy directing the others. Various name soloists will appear. The broadcasts will be sustaining.

RITZ BROTHERS UP AS POSSIBLE RIPLEY SUB

Royal Crown Cola will probably decide in the next two weeks whether to continue the Robert L. Ripley show beyond the present 13-week semester (which extends to Dec. 4). B.B.D. & Co. has recommended that the present setup be retained, but several other shows have been auditioned in case the client decides to discontinue Ripley.

One of those auditioned on the Coast was a comedy setup with the Ritz Brothers, Lou Forbes orchestra, Susan Miller, vocalist, and Warren Hull as m.c. But the account hasn't decided whether to continue Ripley, switch to another show or go off the air entirely.

Double Strength KRNT Due

Des Moines, Oct. 29. KRNT, Des Moines has been given a power increase of 5,000 watts for night-time coverage and authority to erect a new transmitter building, with house, towers and ground system to cost approximately \$60,000. It will be built on a 135-acre farm two miles south of Des Moines.

The increased night-time coverage for KRNT, which is now operating on 1,000 watts night-time and 5,000 daytime will double the coverage for the station.

The present transmitter is located six miles north of Des Moines. Work on the new transmitter will be completed in three months.

Boake Carter's Confused Start

San Francisco, Oct. 29. Return of Boake Carter to Coast airwaves under sponsorship of United Airlines after two-year absence happened under confusion over dates. Air time was announced and then changed three times before show actually arrived, skeels first showing coast transcription Tuesday, Thursday and Saturday, then Monday, Wednesday and Saturday. Coast releases for Carter are KFRG, San Francisco; KHJ, Los Angeles; KALE, Portland; KMO, Tacoma; KOL, Seattle.

FEAR POLITICAL DEADBEATS

CREDIT MATTER VERY DELICATE

Whirlwind Finish of Campaign Has Networks Facing Possibility Many Accounts Won't Be Paid—Hard to Check Who's Got Funds, and Who Hasn't

EMBARRASSES

Rush for time by political groups on the networks has caused so much confusion that the webs are beginning to fear that when the noise of the election is over they may find that they are able to collect only a portion of the time used for political broadcasts. So many of these groups have sprung up during the past few weeks that the networks haven't had the time or facilities to investigate the financial responsibility of each such group, but at the same time the networks have been reluctant to turn down their orders for national or regional hookup. The bookkeeping confusion which this situation has created is without precedent in the industry.

The networks expect not only to have difficulty collecting for the actual time from some of these political groups, but to be considerably out-of-pocket on line charges, and talent rebates. Also the cost of telegrams and telephone calls accruing from contacts made of affiliates in the quest for time clearances.

Involves Affiliates

If the accounts uncollectible on this score grow to the proportion that the networks suspect they will, the webs might find themselves in somewhat of an embarrassing spot as far as their affiliated stations are concerned. Latter have at the say-so of the networks cancelled many a local or spot program so that the time could be available for political hookups.

Before the campaign got under way officials of the national webs met with treasurers of the Democratic and Republican National Committees and arranged for 30 days' credit. Circumstance that things fiscal from these sources have gone somewhat amiss isn't worrying the networks anything as much as the collectibility of the billings to various independent groups, whose tags include the name of either President Roosevelt or Wendell Willkie, which increase in number as the campaign moves on to its climax.

NBC COMPLETES CHI NEWSPAPER TIEUPS

Chicago, Oct. 29.

NBC and the Chicago Daily News have set a reciprocal time-and-space purchase deal. Newspaper is buying 10 minutes six days weekly on WENR for 'Daily Whizzer' show as a tie-in for the Saturday kids' page. Meantime NBC is buying display space on the News' radio page in an amount equal to the newspaper's time buy on WENR. NBC will use space to plug both commercial and sustaining programs.

With this deal, all NBC outlets have tie-ups with every paper in town, except the Chicago Tribune (owner of WGN, a Mutual outlet).

Both WENR and WMAQ are tied in with the Herald-American, the Hearst paper using 15 minutes five times weekly on WENR, and a Sunday 30-minute spot on WMAQ. WLS, the Blue affiliate which shares time with WENR, has a time-and-space deal with the tab Times.

Earl Gammons, managing director of station WCCO (CBS) Minneapolis had no qualms about participating in a forum on radio and newspaper censorship over a rival Twin City station, WMIN, accepting the invitation of E. H. Hoffman, manager of the latter.

KXOK Now on 630 Kc.

St. Louis, Oct. 29.

KXOK (Star-Times), went to 630 kc. and 5,000 watts Saturday (26). The station formerly broadcast on the 1,250 kc. band. Two other mid-west stations changed frequency at the same time, KFRU in Columbia, Mo., and WGBF in Evansville, Ill. These two stations formerly operated on a share-time basis on the 630 kc. band.

KGBF has moved to the 1,250 kc. spot and KFRU to 1,370 kc. Now all are operating on a full-time basis. KXOK also will become the local NBC Blue outlet on Jan. 1, KWK having become the Mutual outlet here.

Surprise

Detroit, Oct. 29.

With all the cancellations of scheduled programs because of the heavy rush of political time, announcers on Detroit station are coming on with:

'The program regularly scheduled for this time now will be heard'—and they aren't fooling.

New CKY, CKX Rep

CKY, Winnipeg, and CKX, Brandon, Manitoba, have named Joseph Hersey McGillivra as their exclusive rep in the United States.

Horace N. Stoven has the stations' representation in Canada.

Philadelphia Power Status Quo In General Revision; WPEN's Okay

Philadelphia, Oct. 29.

One more Philly station joined the bandwagon rush for greater power last week when WPEN received the okay from the Federal Communications Commission to step up its wattage from 1,000 to 5,000. The nod from the FCC coincided with the dedication of new studios in midtown.

WPEN's upping to the 5,000 class makes the fourth station to take the

step in the past couple of months. It joins WIP which made the 5,000 watt grade last August; KYW, which received the nod to hop from 10,000 to 50,000, and WIBG which bagged an increase from 100 to 1,000 three weeks ago.

WFIL is reported getting ready to join the 5,000 class soon, now in the 1,000 watt category. WHAT, recently purchased by Publisher J. David

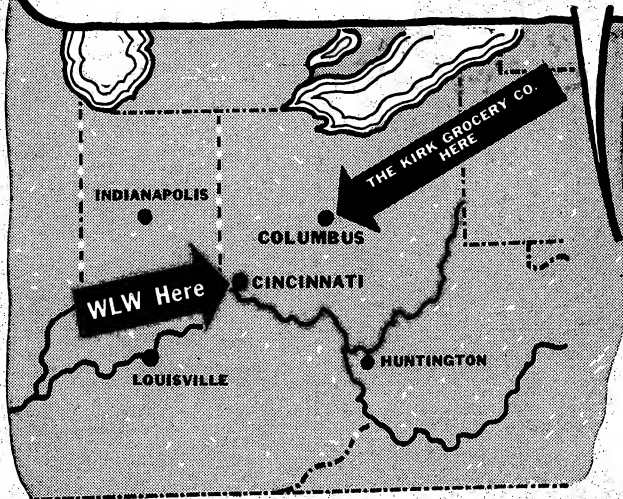
(Continued page 36)

"We realize the importance of WLW as a powerful selling influence in our territory. Therefore, whenever we are notified that a product will be advertised over WLW, we check our stock on that item and advise our salesmen to suggest that the retailer has sufficient merchandise to handle the expected increase in demand."

(Signed) B. F. DAVIS

Operations Manager
The Kirk Grocery Co.
Columbus, Ohio

The Kirk Grocery Company sponsors
60 Clover Farm Stores, 26 of them in
Columbus, and travels seven salesmen
in 21 Ohio counties.



REPRESENTATIVES: New York — Transamerican Broadcasting & Television Corp. Chicago — WLW, 230 N. Michigan Avenue. San Francisco — International Radio Sales.

WLW

THE NATION'S
most Merchandise-able
STATION

WSB, Atlanta, Starts 'Pan-Americana' Show to Dramatize Latin Heroes

Atlanta, Oct. 29. WSB, 50 kw NBC-Red mouthpiece here, now under new management, has climbed aboard the Latin-American bandwagon with a new dramatic series, titled 'Pan-Americana', and aired weekly, one of the most elaborate shows this mill has ever staged. Sessions are aired each Tuesday night and last 30 minutes. 'Pan-Americana' dramatizes lives of notable Latin-Americans portrayed with music by WSB's staff band and Organist George Hamrick.

Elmo Israel, WSB's public relations director and continuity staffman, does the script, consulting Latin-American authorities to insure authenticity. Each program, complete in itself, is dedicated 'to promote co-operation and understanding among the peoples of South, Central and North America,' and closes with teaser title of following week's program theme. Hugh Ivis does narrating, James Bridges does opening and closing spiels and Marcus Bartlett supervises production.

Response to offers of copies of each show has been heavy, especially from school teachers, who desire scripts to use in school shows.

DAVE ALBER 'INNOCENT AS THE DRIVEN SNOW'

New York, Oct. 28.

Editor, VARIETY: To say that I was flattered at receiving the 'Low Grade Publicity Award of the Week' from Jo Ranson, radio editor of the Brooklyn Eagle, as reported in VARIETY, is putting it mildly. The certificate was based on a story I sent out concerning Ben Grauer's projected trip to Mexico to explore some Mayan. Both Grauer and myself were greatly amused by Ranson's award, inasmuch as Grauer happens to be absolutely sincere about the expedition, and plans to return to Yucatan next summer and do some digging. Having hewed to the line for the nine years, I am in sympathy with Jo Ranson's campaign to hold ridiculous publicity releases up to the light, but I hope he realizes there is a gap between the ridiculous and the sublime and that I am innocent as the driven snow.

David O. Alber.

Desert News-KSL Offers Small Town Entertainers

Salt Lake City, Oct. 29.

The Desert News has launched its fourth consecutive series of amateur talent shows on KSL. Program make-up is slightly changed for this series. Former programs have searched for new talent, offering cash awards to most popular amateur performers. This series is titled 'Parade of Talent' and consists of weekly visits to outlying communities in the state, and a broadcast from there of the local talent.

Production is handled by Lowell Durham, the newspaper's promotion manager, and Parley Baer of KSL production staff. Allen Jensen announces, and Richard Evans handles technical operations. Program is broadcast at 5:00 p.m. on Saturdays, for 30 minutes.

ROBERT DEY DIES

Singer Is Fifth of Family Killed By Auto

Wichita, Kan., Oct. 29.

The fifth member of a family to die as the result of automobile accidents in a little more than a year, Robert Dey, 21-year-old former singer with radio station KFHH and more recently with station KFBI, died at a local hospital recently. He received a vertebral injury when his car overturned a few miles from the city on Sept. 17.

In August, 1939, his parents, a sister and a brother, were all killed when the car in which they were riding collided with a truck in Colorado. Another sister, Lillian Dey, who was with the family at the time of the accident, is the only surviving member.

WOAI Points Up Educational

San Antonio, Oct. 29.

Guide booklet has been compiled by the staff of WOAI here of all of its sustaining educational broadcasts and has sent a copy of each to all school teachers in this city as well as those in its primary listening area. Plans in the future call for a compilation of all educational programs including those that are commercial, which are of listening interest and appeal and could be of use in the school room.

Changing Philly

Continued from page 35

Stern, has an application pending for an increase from its present 100 to an undetermined wattage. WTEL is also contemplating asking the FCC for permission to join parade.

WCAU already in the limit class—50,000 watts—will erect a new \$100,000 high fidelity transmitter of a type recently developed by RCA. Work on the new sender unit will start as soon as approval of the FCC comes through.

Only outlet standing pat is 250-watt WDS. Officials of the station claim that the height of its transmitter—its built on ground that's on the highest elevation in Philly (500 feet above sea level)—makes it possible to satisfactorily cover the metropolitan area of the city without hopping up its power.

INTERMOUNTAIN SHOWS NOT LISTED IN UTAH

Salt Lake City, Oct. 29.

The newly formed Intermountain Network continues to broadcast Mutual and NBC Blue programs to Utah listeners without benefit of daily listings in Utah's blanket coverage newspaper, the Salt Lake Tribune. In fact, no Salt Lake daily is publishing the Network listings, a fact for which no definite reason has as yet been run to earth.

According to Intermountain Network president Paul Heitmeier, Salt Lake newspapers were approached with a proposition that program listings be furnished their papers on the same basis as other local stations, KSL, KDYL and KUTA. This basis is a reciprocal advertising agreement, whereby the newspapers run daily listings for radio stations, 'paid advertisements' and the radio stations in turn give to the newspapers, programs and announcements of a promotional nature. Intermountain has met only delays from papers on proposal.

Newspapers say perhaps it is because Intermountain network is not strictly a Salt Lake station since they only have studios here and not a transmitter. Or maybe it is because half a dozen other Intermountain stations would expect to come in on the same basis. They aver, however, that this only guess work because the man who is actually handling the deal is 'in New York for another week or ten days' and they have never heard of the reported offer.

Radio Daffodils

Minneapolis.—In connection with National Doughnut Week, Oct. 28 to Nov. 2, WCCO here will stage and broadcast a doughnut dunking contest in its studio. Experts from the National Association of Doughnut Dunkers will be brought to Minneapolis from Ladysmith, Wis. They will dunk their elbows in a large pail of coffee and the ones who do it with the least splashing and who leave the smallest amount of drips in their spaces will be ruled the winners.

San Antonio.—Chant of the tobacco auctioneer, has brought E. M. Hoaglin, said to be the world's foremost furniture auctioneer to KTSH from the Storch Furniture Co.

Austin, Texas.—If every radio program presented by the University of Texas last year were laid end to end and broadcast continuously it would take two-and-one-half days and nights, meals not counted, to hear them all. This estimate was reached recently by University radio authorities who have just compiled a catalogue of every program—and there were 256 of them—presented by the University over a period covering the past twelve months.

Richmond, Va.—During registration day all male announcers were replaced with feminine employees at WRVA. Miss Deane Parker went out to do a question-and-answer session on a heavily trafficked corner. Her first words to a visibly nervous interviewee: 'Come, now, my good man; it'll never do for both of us to be nervous.'

St. Paul.—Mary Lindeke, broadcasting over WTCN for the Minnesota Federal Savings & Loan Assn., held up a 'Quiet, Please' sign just as an otter from the Midwest Sportsmen show slipped behind her. She dropped the 'quiet' sign and screamed.

Minneapolis.—Emmett J. Heerd, WCCO traffic manager, is becoming hardened to unusual requests for time on the air for political purposes, but one woman stumped him last week. She called up and demanded 15 minutes to permit her to 'impersonate' Martha Washington speaking in behalf of Wendell Willkie.

VOICES CHANGING

Horn & Hardart Alumni Have An 'In-Between' Show at WCAU

Philadelphia, Oct. 29.

Problem of what to do with radio talent that's the voice-changing period, midway between the kiddie class and not yet in the adult category, is being met by WCAU with a new program tabbed 'The In-Betweens.'

'Graduates' of the Horn & Hardart Kiddies Hour are groomed for the new mike stint which was aired last week for the first time. It will be heard each Saturday at 10:30 a.m. Stunt is done in musical comedy style, with book written by Mrs. Stan Lee Broza, wife of WCAU's program director.

Her husband is originator of the Horn & Hardart Kiddie Hour which last week was signed by the restaurant for the 14th consecutive year. It is believed to be the oldest commercial of its kind.

Among the 'alumni' of the program are Ezra Stone, star of the 'Aldrich Family' series; the Nicholas Brothers, who recently appeared in film 'Argentine Way'; Al Bernie, imitator, and Tell Sisters, vocalists with Ted Lewis.

New Phone Cable Under Niagara River for WBEN

Buffalo, Oct. 29.

WBEN has purchased 52-acre plot on Grand Island, Manhattan-sized island in Niagara River, and started work on new transmitter site. Work expected to be completed before frequency re-allocation next Spring will cost \$80,000.

Change in transmitter site from Martinsville, N. Y., will be accompanied by nighttime boost to 5,000 watts. Outlet now on 5 kw days, 1 kw nights. During winter telephone company must lay new cable under river, connecting island with city of Buffalo and WBEN's studios. Present phone line sometimes works, sometimes doesn't.

Seeks Alton, Ill., License

St. Louis, Oct. 29.

Edward E. Campbell, owner and publisher of the Press-Record, a newspaper in Granite City, Ill., across the river from here, has applied to FCC for a permit to erect and operate a 250 watt in Alton, Ill. Campbell filed as an individual. The nearest station in Illinois is WTMV in East St. Louis.

PM STAFFERS ON WMCA

Series of forum programs with writers of the newspaper PM was started Sunday night (27) over WMCA, New York. Tieup deal between the station and the newspaper calls for editors and reporters of the sheet, experts on special subjects, and writers of letters to the editor to speak on the weekly 30-minute series.

Maurice Dreicer is moderator on the programs.

Remington Rand Sponsors Wednesday News Roundup From Europe Over NBC

Remington Rand will sell typewriters and electric razors at 7:15 p.m. Wednesdays over 26 NBC red stations starting tonight (30). Show will consist of a quarter hour European news roundup from the NBC overseas section. John Vandercort will officiate on the New York end as commentator. London, Berlin and whatever else is still available included.

Knapp Monarch electric razors has a Newsweek tie-up on the NBC blue.

PETER PANDA

"Only One of His Kind in America"



60-MINUTE MAN

There is no substitute for results.

CKAC is still Canada's Busiest Station.

"Only One of Its Kind in America"

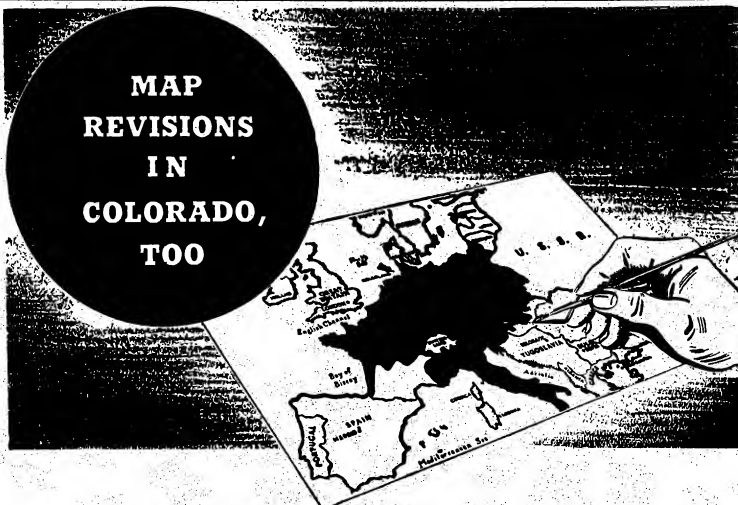
CKAC MONTREAL

"Canada's Busiest Station"

A CBS Affiliate

U. S. Rep. J. H. MCGILLVRA

MAP REVISIONS IN COLORADO, TOO



Study 1941 Coverage for 1941 Results

You can't buy on the basis of what you knew a year ago, or two years ago. If you do, you may overlook the best buy in radio today in the Rocky Mountain area.

When its new directive antenna system and its fivefold nighttime power increase to 5,000 watts became effective July 1, 1940, KLZ created a new coverage pattern in this region. A 25% increase in daytime coverage and a 33% increase at night make previous data obsolete.

KLZ now directs and concentrates its increased power—the most densely populated areas of Colorado. In the eastern half of Colorado, where people

live, where buyers gather, 93% of the population lies inside KLZ's new 1/2 mv. contour. In south-eastern Wyoming and western Nebraska KLZ adds additional primary coverage.

KLZ

Denver

CBS Affiliate — 560 Kilocycles

AFFILIATE IN MANAGEMENT WITH THE OKLAHOMA PUBLISHING COMPANY AND WICV, OKLAHOMA CITY—REPRESENTED BY THE KATZ AGENCY, INC.

Inside Stuff—Radio

NBC has apparently changed its policy about putting out trailers plugging its daytime commercial programs. It now has one out calling attention to the 'Mother O' Mine' serial on the blue link. Clapp's Baby Food is the account and Young & Rubicam is the agency.

Earlier this year Blackett-Sample-Hummert had made a similar request in behalf of a couple of its American Home Products serials but the network explained that such extra-schedule exploitation was contrary to its policy.

Identity of the narrator character played by Jill Esmond in the Wheatena Playhouse recorded 'Wuthering Heights' has been revised for this version. Emily Bronte's original novel was a first-person narrative, supposedly by the housekeeper. However, the part is not given any characterization in the book, so for dramatic emphasis it was decided to change it to author-narrator in the radio adaptation. So Miss Esmond will now do the narration as Emily Bronte, introducing each day's installment and then fading into the dramatization. Series starts Monday (4) over WEAf locally.

Theodore Knaus, an NBC broadcaster from Berlin, recently reported on a transatlantic that several Americans, including himself, had received food packages mailed from home in August, 1939. He thought the 14-month delay in delivery had been caused by fact packages were sent on the S. S. Bremen. Apparently they had been lying somewhere in Soviet Russia. NBC man said, however, that the food was in perfect condition and was a 'welcome addition to diet.'

That was a very, very distinguished concert maestro coming down the corridor one day recently. And that was one of the 'cello players running just ahead of him. There had been, it seems, a conference to straighten out a feud between two 'cellists.' The distinguished maestro became suddenly convinced that he had no faith in the veracity of one of the 'cellists and he chased him from the office of the musical consultant. Quite a few persons witnessed the novel spectacle.

Suit of Moses H. Polakoff, attorney, for \$250,000 against the American Tobacco Co., Edwin C. Hill, and CBS was dismissed by a jury after a two-day trial before N. Y. supreme court Justice Timothy A. Leary. Suit charged libel.

Plaintiff was attorney for Lucky Luciano, and charged Hill libeled him a broadcast concerning Luciano's illegal activities.

Volume of Norman Corwin's radio plays will be published in the spring by Henry Holt & Co. Included will be 'My Client Curley,' 'Revolt Against Christmas,' 'Seems Radio Is Here to Stay,' 'To Tim at 20,' 'They Fly Through the Air with the Greatest of Ease' and others. Scripter is already working on changes to put the radio directional terminology, etc., into generally understandable terms. Arch Oboler's 14 radio plays in book form under the caption, 'The Art of Radio Writing,' is due off the Random House presses this week. Lewis Titterton of NBC did the foreword.

Bob Emery, of WOR, New York, rather than Abe Schechter, of NBC, appears to have been first in heart-tug stuff with British refugee children on this side. Paramount newsreel shot footage of Emery's 'Friendship Bridge' (shortwaver from WRUL, Boston) program, but this was never released due to the greater dramatic sock of Schechter's two-way transatlantic phone talks between kids and parents.

CONFLICTING OPTIONS

Gillette and Schick 'If' Situation on Pro Football

WOR and the Mutual network are in a delicate spot on the broadcast of the National League football championship playoff game scheduled for Dec. 8. Network has given an option for the broadcast to Gillette razor. But WOR, the New York outlet, has already optioned the contest to Schick razor, provided the Brooklyn Dodgers participate in the playoff. Schick is sponsoring the regular season Dodge games locally over WOR.

Probable 'out' for the network and WOR is that Brooklyn given little chance of getting into the playoff tilt. Therefore, Gillette will probably get the broadcast rights to the game for New York as well as over the rest of the network. However, should Brooklyn win the eastern championship and thus be in the playoff, both Gillette and Schick will have an option on the New York broadcast of the contest. If it were to go to Schick, there would be the unusual setup of two rival companies plugging competing products simultaneously on the same show over the same network.

MEXICO NOT TO TAX SETS

Mexico City, Oct. 29.

Mexico is to continue free of taxes on radio apparatus, for the government, says the ministry of communications and public works, ruler of air affairs in this country, considers the air one of the most potent means for public education, information and education. The ministry roundly denies reports that radio apparatus is to be taxed. It has been whispered that a tax of \$1 (Mex) per month per apparatus is in the offing to give the administration a new income of around \$500,000 (Mex).

The government is not so hard up that it must tax radio, avers the ministry.

Front Page Editorial Gives New Station A Welcoming Bird in Orlando, Florida

Who, Me?

Stephen McCormick, WOL announcer, was describing the number-drawing in the Selective Service ceremony in Washington yesterday morning (Tuesday) over Mutual.

His own was the 19th number drawn.

Orlando, Fla., Oct. 29.

Main topic of conversation of radio circles in this section of the state for the past two weeks has been the blasting which the Orlando Morning Sentinel gave the town's newcomer station, WLOF, in a front-page editorial. The editorial counterbalanced its needling of WLOF with 'laudatory embrace of the town's established station, WDBO. Later buildup surprised no one more than the management of WDBO itself. There's been a bitter feud between the two ever the station was started.

The editorial expressed much doubt as to whether there was need of another station—the town and heaped much misgivings upon the future of the new outlet. The newcomer, the editorial predicted, will find the going so tough that it may have to slash rates, and even if it did so 'from hell to breakfast and from Daft to Bersheba' and even if it 'make a big noise about what it proposes to do,' citizens, the editorial urges, 'must remember that WDBO has 5,000 power units as against the newcomer's 250 power units.'

Entice Seminoles To Register; Reach Hideaway Indians Through Radio

Miami, Oct. 29.

Radio's power to soothe savage nerves was demonstrated last week, when the U. S. Indian Service availed itself of WFTL's facilities in Fort Lauderdale to persuade the Seminole Indians, famous for their independence, to register for selective service. When Government agents failed to find eligible Seminole braves in their usual Everglades haunts on registration day Jack Hamm, head man of the Florida Seminole Council, a branch of the American Indian Association, went on the air over W. TL and issued a special appeal to the Indians in their own tongue.

Tribesmen have been wandering in ever since, and at present date 40 of the 65 eligible Seminoles have signed up.

KFOR Power Pep-Up

Lincoln, Neb., Oct. 29.

Immediate building of a new transmitter for KFOR will start here, with FCC approval gained for a power boost to 250 watts. KFOR has been dipping to 100 watts each night, after going 250 during the day.

New transmitter won't be on the edge of the city as previously, but will be spotted in the heart of the residential area.

Draft Sidelights

Draft lottery was the latest inspiration for a money pool at NBC. About 25 of the boys got together Monday (28) and contributed \$1 each to a kitty which will go intact to the person whose number is drawn first.

Web read the 8,500 numbers called up yesterday in a special midnight-to-finish trick involving a string of announcers groning out the full list.

Odd exception to the laws of probability was noted at NBC where with perhaps 1,000 male employees and a large number over military age the first and second numbers out of the fishbowl called Evan Wylie of Abe Schechter's division and Alwin Foster of research.

KSL
SALT LAKE CITY
50,000 WATTS
CBS

**FIRST in popularity in
the Intermountain Empire**



For more information about KSL, one of the sixteen CBS 50,000 watt stations, inquire of Edward Petry & Company

VOICE OF THE INTER-MOUNTAIN EMPIRE

AFRA SETTLEMENT BRINGS RADIO WRITER TO FORE AGAIN, TALKS MAY RESUME

Meantime Militant Hollywood Chapter Is Contrasted to Cautious New York Branch of Guild—Many Other Aspects of Situation

Negotiations between the radio networks and the Radio Writers Guild, stalled for months while the broadcasters were trying to reach an agreement with the American Federation of Radio Artists, are expected to be resumed within the next few days. Confabs started early last spring, but were discontinued over the summer and could not be taken up again as long as the networks were embroiled with AFRA.

However, three-year contract with AFRA for both commercial and sustaining broadcasts was signed a couple of weeks ago, so now the broadcasters have nothing but their normal business, the dispute with ASCAP, relations with the American Federation of Musicians, the situation with the FCC, war jitters and the political campaign to distract them from dealing with the scripters.

In some ways the writer situation is more complex than was the problem of an agreement for actors-singers-announcers. There are few staff writers at NBC and CBS, probably not more than two dozen employed by both companies in New York, plus a handful more in Chicago and on the Coast. Scripters at CBS are well organized, but RWG has not such a strong hold at NBC. Problem is complicated also by the fact that the Guild's chapters in Chicago and on the Coast have different requirements and, as they have considerable autonomy, have made different demands than the writers in the east.

Question of salaries or fees is not the only vital one for writers. They are equally concerned with such matters as subsidiary rights to scripts, rights for subsequent broadcasts, rules covering outside commercial shows, plus a number of problems covering the free-lance field. CBS scripters generally receive a straight salary, while those at NBC have a more complex pay arrangement frequently involving work on commercial programs. How-

ever, writer pay at both companies comes to about the same in the end.

Coast Militant
Guild on the Coast has been negotiating with the networks longer than the eastern end and, in some aspects, believed to have made more progress. That is partly because the broadcaster officials on the Coast have not been preoccupied with AFRA, ASCAP and other matters, as have the eastern execs. It may also be because the writers on the Coast are commonly regarded as more militant than those in the east and have been more aggressive in dealings with employers. Coast end has also made more progress in negotiations with the advertising agencies.

Coast end of the Guild has favored a regional setup with the networks, while the eastern end wanted a uniform contract. But the Coast group went ahead and, making preliminary demands for lower scales than the eastern chapter later asked, must now follow through on that basis. Membership on the Coast is believed to be generally well informed as to the progress of negotiations, but the eastern members apparently have little idea of what's being done. There have been less membership meetings in the east than in the west. Also the Coast membership appears to be more publicity conscious than the east.

In general, the eastern RWG officials are reluctant to reveal their activities, policies and plans to the trade press, or even to their own membership. As a result, the eastern membership appears to have little idea of what's what. In some instances there is membership sentiment over this.

There is also some dissatisfaction over what some members regard as the lack of progress made by the Guild in obtaining better terms for scripters generally. There have been several cases reported of members resigning, in at least one case over assessments on income in addition to regular dues. However, such agita-

tion is minimized among Guild officials.

In its own favor it is pointed out that although the organization has not yet obtained contracts with networks or advertising agencies, the Guild has made substantial progress in bettering contract terms for writers during its three-year existence. It's also pointed out that the RWG has advanced further and faster in its field than the Dramatists Guild, Screen Writers Guild or Authors Guild (other divisions of the Authors League of America) did in a similar period in their fields.

Guild leaders claim that radio is much tougher to deal with than the dramatic, film or literary fields were. The employers in radio are fewer, more compact, deeper entrenched and much wealthier and more powerful than legit producers, film studios or publishing houses, it's pointed out. Also, radio execs are unfamiliar with show business methods and thoughts. Guild has nevertheless made progress, bettering terms of radio script contracts by individual contracts.

Better Terms

As a result of the improved conditions obtained through these individual contract negotiations, the radio writers now expect and will demand better terms than they would have been satisfied with before the Guild's work in the field. Many of the contract improvements that were innovations when they were first obtained have become more or less standard in the industry and will be part of any uniform agreement with the networks and agencies, it's claimed.

One reason that the Guild has made slower progress with the networks than AFRA made is that the writer membership is more cautious than the performer group was. There has been no talk of a "strike" of writers, regardless of the delay in negotiations. That is understandable. In the first place, a writer strike would be a delayed one, whereas the performer strike would have immediate effect. For another thing, a writer strike would be indirect. However, the Radio Writers Guild, through its affiliation with the Dramatists, Screen Writers and Authors Guilds, can exert a powerful, even if indirect, effect on the networks and sponsors. This might be done by co-operation among all the affiliate Guilds in withholding material from the broadcasters.

There has been some talk of co-operation between the RWG and ASCAP, both of which have a common adversary—the networks.

Freelances and Genuises

By JACK HASTY

VARIETY's editorial on the relation of genius to sweatshirts was provocative. A long time ago, and a long way from broadcasting studios, I learned something about geniuses: I was buying art work at the time; and after several painful and costly errors, due to confusing artistic attitude with artistic aptitude, I hit upon a pretty accurate rule for recognizing a real genius—he was never conscious of the fact he was.

I met, of course, a good many of the other type, too—the genius phoneyces. But they were easy to spot. The office boy could have done it. They invariably wore sweatshirts.

In these days when genius is often a guy with a press agent, and a press agent is often a guy with genius, the fine frenzy variety bourgeois profusely in all fields of entertainment. But I think you will admit that radio, at least the writing side of radio, has produced a surprisingly small quantity of beards, berets, and artistic bravura.

There excellent reasons for this:

The average sponsor feels about as comfortable with one of the art boys as an acrobatic with a boil. The freelance writer—and the bulk of radio scripters are freelance—is quite aware of this. Whatever his predilection for picturesque habiliment, he must, if he is to be successful, conform to a more conventional pattern.

He knows that for every sponsor

who might be impressed with a fright wig hair-do, or a pair of exotically-tailored pants, there are a dozen or more sponsors who will pay-off for a competently-tailored script. So he takes the cash and lets the credit go. If he possesses reasonable ability, he doesn't need to put on an act. Analyze the situation, and you'll discover that most of radio's too, too beautiful letters flow from the typewriters of sustaining program scripters on network payrolls.

The sustaining program writer does not have to meet free-lance, commercial competition. He can afford to be contemptuous of Cross-les and critics. And he tends to overlook the crass, commercial fact that the network press department is paid good dough to eulogize him—that if he weren't on the pay-roll, they'd be lavishly showering the same adjectives on someone else. He begins to believe: his own scrap book.

And if you'll carry your analysis a bit further, you'll also discover he almost always encounters considerable difficulty, and finds himself greatly unappreciated, when he enters the commercial field.

This is not to say that only writers who wear shoes are the real McCoy. A man might be a genius and still don a sweatshirt. After all, I understand that genius is one part inspiration to ten parts perspiration. And some writers may find it necessary to appear a bit perspire just to be sure no one misses the idea.

Mrs. Dorothy Lewis Whams Seattle

The Travelingest, Talkingest, Untiredest Clubwoman of Them All Still Burns Up the Highways

By HARRY T. SMITH

Seattle, Oct. 29.
The travelingest, talkingest, untiredest clubwoman of them all, Mrs. Dorothy Lewis, of Westchester County, New York, came whamming into Seattle last week as one stop in her latest nation-wide tour on behalf of the National Radio Council on Children's programs. This lady tornado who drives her own automobile and can be traced in any given area through the nearest tea canteen of the General Federation of Women's Clubs is carrying the torch for better things on the air. Hardly an issue of VARIETY passes but some slumbering correspondent in the back country isn't brought to a renewed interest in the radio department by the comet-like passage of the gal from Westchester.

Mrs. Lewis denied she was a Carrie Nation with a hatchet out to bean the composers of overlong and tiresome commercial announcements. She lumped gabby advertising with pies and cakes dramas for undeveloped mothers and cliffrangers for over-excited kiddies. She topped off that for the clubwomen to make themselves felt they have merely to send in complaints instead of box-tops to the advertising agencies.

Radio station executives present at the Washington Athletic Club for Mrs. Lewis' speech heard themselves lauded by Mrs. L. as representatives of the broadcasting industry.

Speed KYW Switchover

Philadelphia, Oct. 29.
Starting last week KYW began closing down at midnight instead of 1 a.m. in order to speed construction of its new transmitter in White-mars. For the changeover in its power from 10,000 to 50,000 watts, recently approved by the FCC. Outside of election night, when the outlet will be on until one side concedes, extra crew of engineers will be at work all night until the sign-on at 5 a.m. in order to get the transmitter in shape to begin broadcasting at the new wattage as soon as possible.

KFEL Gets More Power

Denver, Oct. 29.
KFEL has been granted permission to increase its power to 5,000 watts day and night, and equipment has been ordered for the boost. An additional vertical antenna will be installed at the transmitter as well as latest Western Electric transmitting equipment.

try which, she says, has been opened up about correcting icky programs and discouraging undesirable trends.

"Keep up the good work, boys," said Mrs. Lewis. "And now, where do I turn off for Walla-Walla?"

And she was off in a gust of NAB exhaustion—we mean, exhaust.

The Lutherans Resolve

Sandusky, O., Oct. 29.
Resolution rapping the "gangster type of radio serial programs and unwholesome motion pictures" was adopted by members of the Women's Missionary Federation of the American Lutheran Church. The resolution also asked members to act against the "avalanche of unwholesome, unclean literature," by using their influence in their individual communities to "clear the newsstands of demoralizing publications."



WLOK

LIMA, OHIO

A 4-STAR STATION



Located in a "high spot" business city, and serving one of America's most prosperous manufacturing and farming localities.



Now operating on 250 watts power (as of Oct. 16) insuring greatly increased coverage in northwestern Ohio, and vastly augmented audience.



Affiliated with NBC (Red) to offer the best in network programs to match top-quality local production.



Proved ability to win and hold audience against any and all outside competition. (Yes, we have the facts to prove it!)

Choice time available for spots or feature broadcasts.

Write or Wire

WLOK

LIMA, OHIO

Associated NBC Station

Who's this guy Kelley?

We picked him up on our car radio one fall when we were vacationing several years ago. Broadcasting high school football on a hundred-watter, the lad sounded as if he had the stuff.

We've had him under our wing here in Cleveland ever since. Didn't want to rush him along too rapidly. But this year . . . man! . . . sports-minded sponsors would not be denied. Right now, Kelley has four sponsors! For B. R. Baker (men's wear) he presents a daily sports review. Plymouth dealers have him selling "the one for '41" via Cleveland Rams professional football games. Fleetwing Gasoline booked him for a two-a-week on gridiron predictions and scores. And Cleveland Railway Company rides along as sponsor of his Big Four college battles.

Who's this guy Kelley? A sports broadcaster you'll be hearing still more about. This "guy" is a "buy" for any smart sponsor who wants to do a bang-up job in northern Ohio!

P.S.

Can't sell you Kelley for immediate sponsorship. But confidentially, we are making arrangements for coverage of Cleveland Brown American League hockey games. For further particulars—wire, phone or write W.C.R. & Co., Friendly Station, Cleveland, or any office of Edward Feltz & Co.

Payroll Traffic

Norman Winter has joined Miller Broadcasting System sales staff. Formerly head of the Radio Department of Dundas & Frank, Inc.

Canton, O.—Leonard Taylor, formerly of WKST, New Castle, Pa., has become an announcer at WHBC, Canton, O.; Bill Karrenbauer, Massillon, O., has also joined the WHBC announcing staff.

Dayton, O.—Charles Swift, formerly with WHIO, Dayton, has joined WIBC, Indianapolis, as an announcer.

Longview, Texas—KFRO added Paul Long to announcing staff.

Salt Lake City—KDYL creates a new office by naming Myron Fox, former Director of Sales, as Assistant to the President. (S. S. Fox). In this capacity Myron Fox will act as coordinator of all departments.

At the same time, George Provol moves from the KDYL Playhouse to take up duties at the main studios where he will be Studio Production Manager.

By Woodbury, Musical Director for KDYL, takes over additional duties of Production Manager at the Playhouse, with John Wolf as assistant.

Bill Baldwin takes up duties on the KDYL announcing staff, coming from KOIL, Omaha.

San Antonio—Raymond Hone and Rex King are now mikesmen at station KABC here.

Ft. Wayne—Frank V. Webb, station manager of KTMS, Santa Barbara, Cal., has resigned to become commercial manager of Westinghouse WOWO-WGL. He succeeds Ford Billings, who goes to WKCY, Cincinnati. Assumes duties Oct. 23. Anne Joseph is added to sales promotion department of stations, replacing Jane Frederickson, who resigned to get married.

Spartanburg, S. C.—Ed McGrath, formerly with WCOS, Columbia, S. C., has joined the staff of WSPA, Spartanburg, as sports announcer.

Denver—Elsa Kaufer, coloratura soprano, on KOA staff past four years, leaves for N. Y. to further her vocal studies and look for a better job.

Milwaukee—Carl Zimmerman, for the past two years chief of the announcers' staff of WEMP, has gone to a similar post at WTAQ in Green Bay, Wis. Successor not yet named.

Chicago—Don Pontius upped from Mutual traffic department to sales promotion and statistics, under supervision of Bob Schmid. Mrs. Myrtle Golet now handling traffic.

Atlanta—Brad Ansley, veteran WSB newscaster, has resigned to accept position with Associated Press in New York. He has been replaced by Doug Edwards, former WSB newscaster, who has been with WXYZ, Detroit, for past three years.

Winnipeg—Vic Nielsen, newly appointed to management of CFAC, Calgary, from CJRC, Winnipeg.

Schenectady—Bernard Krause, formerly of WMFF, Plattsburgh, and WGAL, Lancaster, Pa., is a new addition to the staff of WGEO-WGEE, General Electric Company's short-wavers in Schenectady.

Fredericksburg, Va.—Major Robb (right name) has replaced Everett Howard as announcer at WFVA. Howard moved to Norfolk.

Tuscola, Ill.—Wip Robinson has joined the announcing staff of WZD, Tuscola, replacing Dale Scott.

Chicago—Jim Kane, Columbia-WBBM press chief, has boosted Franklin Dye into a press staff job, to succeed Robert Morard. Morard has been appointed assistant to news and special events director, Oren Weaver.

New York—Mort Silverman has joined sales staff of WINS. Was formerly time salesman for WCOP, Boston, and associated with L. B. Hawes agency.

Atlanta—Bob Pollock, former spieler with WSB, has rejoined staff. He has been on announcing staff of WCAU, Philadelphia.

William Matthiessen, bass fiddler

of WSB's staff band, has been made director of Marist College band here.

Miami—John Stinson, formerly with WJR, Detroit, has joined the announcing staff of WIOD. Replaces Lee Mason.

Birmingham—Carl Cannon becomes promotion manager; Miss Josephine Marlow, traffic manager, and Tom Severin, music librarian at WSGN. Bill Borthwick has been added to announcers staff.

Timmins, Ont.—Hal Lawrence, formerly with CHMI, Hamilton, is editor and announcer at CKGB.

Philadelphia—Fred Wood, pilot of WIP's 'Dawn Patrol' for the past 16 months, an all-night program, will resign within the next couple of weeks to become co-manager of WSNJ, Bridgeton, N. J.

Fort Worth—Charles Wilson has been appointed control room super-

visor of KGKO-WBAP under R. C. Super Stinson, chief engineer.

Niagara Falls, N. Y.—New spieler at WHLD is John Ecott, ex of WGR-WKBW, Buffalo.

Denver—Al Orrick of WTAM, Cleveland, and Jack Fern, KOA, traded jobs—both were news editors.

New York—Samuel M. Bicknell, formerly with Crowell Publications and previously with News Week, has joined the sales promotion staff of WOR, New York. He'll do market research.

Cincinnati—U. A. (Jake) Latham, on the WKRC sales staff since 1935, moved up last week as assistant to Herman E. Fast, sales manager. G. Lawrence Ford was transferred from the station's sales promotion department to the sales staff.

New York—A. H. Hope has joined sales staff of the Miller Broadcasting System, Inc.

Albany, N. Y.—W. Keyes Perrin, until recently on staff of WBZA, has joined WABY-WOKO.

Agents Face AFRA Fail Accompli

Talent Reps Burn at Exclusion From Bargaining In Which Only Network Artists Bureaus Had Voice

Committee for the Artists Representatives Assn., talent agents' organization, met yesterday (Tuesday) with officials of the American Federation of Radio Artists in an effort to settle differences—the question of licensing. Some progress is reported to have been made, but no final agreement was reached.

Chief issue is understood to be AFRA's insistence that each agency should apply individually for a franchise. The ARA spokesmen are seeking to have the organization apply for a single license for all member agencies. AFRA has offered no objection to dealing with the ARA in negotiations, but it is refusing to budge from its demand that each agency must apply and be franchised individually.

ARA representatives had at first offered strenuous objections to certain of the AFRA agency regulations, and some are still expressing oppo-

sition to the proposed rules. However, it now appears that the percenters will have to conform to AFRA's requirements, both as to the regulations and the franchise applications. One of AFRA's principal squawks is that AFRA set up its agency regulations after negotiating with the networks, but without consulting the agents.

There have been strong protests from Coast talent agents, who likewise are burned at being left out of consideration of the code. However, these are also being rejected by AFRA, which is refusing to grant any exceptions to its regulations.

WIS, Columbia, S. C. has been granted night-time power boost by FCC from 1,000 to 5,000 watts. Station on 580 kc is owned by Liberty Life Insurance Co., has 26 staffers under G. M. R. Shatto, general manager.

Just imagine a Hollywood smile—all the way from Hedy's back door to Al's 102-story bungalow in Gotham. Yes, the toothpaste sold annually in America's Money Belt could be spread over a smile that wide! And if you want to sell your share, a heavy schedule on the Cowles Stations is the answer.

We say the Cowles Stations, because

that's the only way you reach every nook and cranny of the rich Money Belt region. And in America's Money Belt, folks are buying toothpaste—and millions of dollars of other drug articles—from more than 3,048 drug stores in the area. With agricultural and business conditions better than ever, this year they're going to buy still more. You can sell it—with the help of the "four-way voice of the Money Belt."

WHICH OF THESE DO YOU SELL?

Annual Retail Sales "America's Money Belt"

Dentifrices	\$ 4,601,293
Face Powders	1,446,120
Talcum Powders	788,793
Hair Tonics	657,327
Face Lotions	1,051,724
Hair Dressings	788,793
Deodorants	460,129
Manicure Preparations	657,327
Shaving Creams	1,248,922
Face Creams	2,300,646
Perfumes	1,117,457
(Total drug commodity sales—	\$49,216,000)

'SCRAMBY AMBY'
With Ray Shannon, Phil Davis Orch
(11), Anita, Jimmy Leonard, Mike
Cooley
Scrambled Word Game
10 Mins.—Local
**WALTER H. JOHNSON CANDY
CO.**
Friday, 8 p.m.
WLW, Cincinnati
(Franklin Bruck)

Here's groover in the current quiz vogue. It's the old jumbled-letter idea with modern radio trimmings. Half-hour package presented by Croley staff members is a pleasing combination of comedy, music and brain teasing. Stanzas originate in the WLW studios. Blurbs are for Powerhouse candy bars.
Audience participants get chances at \$12, \$8 and \$4 awards for tagging scrambled words at different stages of musical, rhyme and final tip-off clues. Letters are chalked on a blackboard while read off for listeners. Latter are offered \$3 and \$5 prizes for contributions that are used.

Fast-moving session opens with Mike Cooley, newsboy-niker, who reminds of Philip Morris' Johnny, shouting a catchy plug verse, which is repeated effectively by Anita, songstress, who joined WLW after appearing in the "Strike Up the Band" picture. Jimmy Leonard, sweet on the announcing end, unravels the game's rules and brings on Phil Davis' snappy combo for a tune while dialers have time to dig out pencils and paper. Leonard crossfires with Ray Shannon, who does a merry chore as chief scrambler.

Six or so scramblings are served on one program, the words having less than 10 letters. Anita warbles the musical clues in approved pop fashion and middles a solo. Giveaways of cartons of Powerhouse candy bars to contestants allows ample room for product plugging without boring. Koll

'LIFE WITH FATHER'
With Howard Lindsay
Transcriptions
15 Mins.
Saturday, 8 p.m.
WKOB, Albany

Life with Father's legit hit, is being advertised in various parts of the country via a series of 15-minute transcriptions in which Howard Lindsay, star and co-author, broadcasts with famous fathers. Latter's careers are dramatized. It is perhaps the first time such a radio setup has been employed for a show. Platters are turntable in cooperation with 'Life with Father'. Fact comedy is now nearing the end of its first anniversary at Empire theatre, New York is emphasized. Current engagements of other companies at Blackstone, Chicago, and Civic Repertory, Boston, are also tabbed.

Freddy Fitzsimmons, star Brooklyn pitcher and voted the 'ideal father' this year, guested with Lindsay on second skimmer Gabriel Heatter, radio commentator-emcee, miked on third. Lindsay gives the 'famous father' a buildup and then interviews him. Exchange is punctuated by facebacks for dramatized big moments in life of guest. Programs—one was heard at eight p.m., Saturday night, and listed in newspaper logs as 'Life with Father'—would do a good ballyhoo job for the show.
The fathers have name value, and Lindsay handles them well. Their stories are interesting, even if some of the acting seems a bit 'stock' and the production is not always brilliant. Ray Green signs off with the hope 'you will make life with father and mother a very happy one.' Jaco.



FLETCHER TURNER

J. M. MATHER, INC.

JUST IN CASE YOU'VE BEEN LOSING SLEEP OVER WHAT TO DO IN THE WAY OF SOMETHING EXTRA-SPECIAL FOR SCHICK IN THE PHILADELPHIA MARKET, PHIL PORTERFIELD (OVER AT NBC SPOT) HAS A SURE CURE FOR THAT INSOMNIA!

HE'LL DROP AROUND WITH A NEAT LITTLE BUNDLE OF IT AND ALL YOU'LL HAVE TO DO WILL BE TO UNTIE THE RIBBONS.

Sweet dreams,

Griff Thompson

WESTINGHOUSE
KYW RED network
station in
PHILADELPHIA

BEN GRAUER

Newscastr
15 Mins.

Nightly, 11 p.m.

WEAF-NBC, New York

Grauer's experience as stage actor and radio spieler is evident throughout this intelligently prepared and delivered 11 o'clock digest of the news. Unlike many newscasters, Grauer shows unmistakably that he is aware of the sense as well as the words of his script. Indeed, the smooth-flowing, verbiage suggests he's in on the preparation of the Associated Press dispatches into radio form.

Not quite a commentation, nor yet a straight reading of bulletins, the quarter hour has a number of graceful touches deriving from the easy-does-it style of Grauer. This segment should get its share and better of the news audience before bedtime. Land.

'FRIEND IN DEED'

With Richard Maxwell, Sylvia Field, Larry Robinson, Gladys Thornton, Sandra Gould
15 Mins.
Daily, 3:30 p.m.
WABC-CBS, New York

Richard Maxwell, whose hymn-singing for shut-ins has been bankrolled by various firms the last few seasons, has elaborated on his formula for this new sustaining series over CBS. He still warbles a hymn at the open and close, but now the meat of the program is a dramatized story about a supposedly actual good man—hence the 'Friend in Deed' title.

Each stanza has a separate story, one recently being about a girl named Blanche who gave the new coat for which she'd worked several months to a widow named Mrs. T. J. Lawrence in Elmira, N. Y., then moved away without leaving a forwarding address. Mrs. Lawrence's appeal to the girl if you're listening to this broadcast, please let me know where you are was the tag of the yarn and obviously intended to make it sound the McCoy.

Would seem to be a question whether a show of this kind would have as wide an appeal as Maxwell's former straight singing. Plainly aimed to compete with the daytime serials on the networks through the afternoon, this show lacks the continuous tug and suspense of the serials, yet would apparently be less likely than the former pattern to satisfy those who prefer hymns to domestic drama. In short, it's neither one thing nor the other. As always, Maxwell has a strong, pleasing voice and an attractively direct mike manner. There's an organ accompaniment for the hymns and for bridging. Various announcers are used on the series. Earl McGill directs and the cast when caught included Sylvia Field, Larry Robinson, Gladys Thornton and Sandra Gould. Hobe.

Follow-Up Comment

Goodman Ace last week wove a couple of vet vaudeville headliners (and old pals), Edith Evans and Ray Mayer, into the cast of his serial and the team's debut occasion indicated lots of good harmony and humor are in store for listeners during the program's current plot. The bow-in event disclosed that Miss Evans still had the voice and flair for selling a song and that Mayer was as comically sly as ever in dishing out the chatter. In the current plot of 'Easy Aces' Mayer is cast as an ex-vaude performer who gets tangled with Jane Ace in a songwriting partnership.

Nelson Rockefeller, co-ordinator of commercial and cultural relations between North and South America for National Defense Advisory Commission, in an NBC address before New York Herald Tribune Forum, made references to the part radio, motion pictures and the press would play in creating a better understanding between the two halves of the Western Hemisphere. President of Rockefeller Center (so tabbed by Mrs. Ogden Reid, Forum chairman) also took cognizance of what short wave radio was doing in the opposite direction.

Said radio had been designed to eliminate barriers of space and time, but unfortunately it was being used in certain cases to foster prejudice, fear, etc. Rockefeller was obviously speaking of propaganda by totalitarian countries directed toward South America. He stated that neither a strong Army or Navy could be a defense against 'short wave broadcasts.' Rockefeller remarked that he realized radio was a medium of far-reaching influence and one must bear this in mind when using it, even for a talk. Incidentally, he proved a clear, straightforward miker. Had a well-written script, but, apparently lost some of pages, near end. He referred to the increasing cooperation by networks in this work. Also, of their two powerful new short wave transmitters, with directional antennae soon to be put in service. Likewise programs by film industry, increased two-way coverage by newspapers, more exchange of pictures, etc. Rockefeller emphasized that there should be no domination, commercial, cultural, by any one country.

WOR DELIVERS 135,000 WATTS AT LESS COST

*due to its unique method of needing
its 50,000 watts and very low base rate

'Broad Hint' From FCC Puts Communist Speaker on Reluctant WSJR, Syracuse

Syracuse, Oct. 29.

WSJR, forced into carrying a network broadcast by James Ford, Communist candidate last week by a broad hint from the Federal Communications Commission, gave the federal agency full credit in announcements before and after the program. A station announcer took the air before and after Ford's broadcast to announce that the program did not express the sentiments of the station and said WSJR carried the speech only because of section 315 in the FCC act.

The station at first refused to carry the speech. An official of the local Communist party, however, contacted the FCC. A wire was received a short time later from John B. Reynolds, acting FCC secretary, which cited the complaint and added:

"Please inform us by return wire whether the foregoing is an accurate statement of the situation with such other comments as you care to make. In this connection we invite your attention to section 315 of the communications act."

(This section refers to equal opportunities to all candidates for any particular office to use broadcast facilities.)

Col. Harry Wilder, a one-time national commander of the American Legion, owner of WSJR, and Fred R. Ripley, station vice-president, burned but felt the FCC wire was a broad hint of trouble ahead if they didn't put the program on the air. They made public a letter they wrote sometime ago when they refused the air to Earl Browder, Communist party secretary. It read in part:

"The Communist party in territory is practically non-existent. It has not been on the ballot here since 1936. At that time there were only 52 Communists in Syracuse, only 14 Communists in Onondaga county. In other words, only 66 Communists out of a registration of 153,131. We do not feel that any broadcast blanketing our huge listening audience at an important time in the evening, for the purpose of serving 66 (or perhaps less) persons would be serving the public interest."

Craig Quits Street & Finney

Walter Craig has left the Street & Finney agency after a two-year connection. Expected to resume independent producer assignments.

THE MARTINS
"TEXACO STAR THEATRE,"
CBS, WEDNESDAYS,
9 TO 10 P.M., EST

ALSO
"LOUISIANA PURCHASE,"
Imperial N.Y.
Vocal Arrangements and Direction by
HUGH MARTIN
Personal Management
FRED STEELE
9 Rockefeller Plaza, New York City
Suite 604 Columbus 5-2145

Lively Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN MARKET

FOR KDWL
The POPULAR Station
Salt Lake City

Representative
JOHN BLAIR & COMPANY

NBC RED NETWORK

Not Sure

Don Goddard, NBC newscaster, found out last week that this campaign has made listeners overly suspicious of anything that might smack of political bias. Goddard in a broadcast remarked that the Republican candidate, Wendell Willkie, had at the beginning of his speech. Goddard was no sooner off the air when an irate listener called to complain:

"I'm American and I believe the American way. What we Willkie people want to know is what 'ad lib' means?"

Burns Politicians To Be Listed Just as 'Talk'

San Francisco, Oct. 29.

Newest political headache to plague network outlets and radio eds is pressure brought on newspapers to list actual names of vote-seeking speakers in agate programs. Heretofore, papers tabbed items merely 'talk' or 'political,' but pressure groups are demanding that their candidates be named.

With skeeds in terrific jumble of confusion, campaign headquarters add to headaches by phoning several times a day charging 'discrimination' because opposition candidate's address is skeddled and their isn't use of names making careful scrutiny and last-moment checking essential to keep both sides pacified.

Form Special Election Hook-Up in Missouri, Rated Doubtful State

St. Louis, Oct. 29.

Gardner Agency here and the Missouri State Republican Committee have lined up a six-station web, the first in this state, to further the candidacies of the Republican national, state and local tickets. Missouri is one of the doubtful states.

The six stations, KWOC, Poplar Bluff; KFBS, Cape Girardeau; KSBX, Springfield; WMBH, Joplin; KFRU, Columbia; and KWOS, Jefferson City (the state capital) are fed through KSD; KKOK or KWK here. Speakers assigned to Missouri by the National Republican Committee trek to St. Louis and the Gardner Agency guides them to one of the three local stations that pipe to the stations outstate. WDFA and KITE, Kansas City, also are occasionally included in the web.

Airlines

Continued from page 2

as a means of blasting the master of Germany, her native land from which she fled six years ago.

"There is no legitimate theatre in London now," she told reporters. "The movies are still running, but there are no cabs in the streets, and without cabs the theatre suffers—so it seems."

Her house in London was burned after a bomb exploded nearby, said the author-actress, but it did not dissuade her from taking her nightly strolls, nor in any other way intimidate her. The nightly raids and their bursting bombs are known as the 'nightly concert,' said Miss Mann, adding, "That's about the only evening concert you can be sure of in London now."

James Roosevelt delayed the twilight Mercury to L.A. 15 minutes on Thursday (24) and not until the next day did ticket agents, despatchers and baggage handlers find out why. Fritz's columnar recital of Mrs. R. My Day, a tarted chat with her son and his tardy departure for the airport. The head of Globe Productions had been in town in connection with the three-day hoopla over the new 'Soundies' of Fred Mills.

Politically Minded

Flying show business folk are hardly a race apart these days—they are as saturated in political campaigning as any other group in the country, judging from a few at LaGuardia Field (N.Y.).

Robert Montgomery, fresh from telling the Herald Trib Forum about the weak-heads of Hollywood, was a departure on the American Airlines Mercury to the Coast Wednesday (23) night, and his Democrats-for-Willkie button was prominent on the dark-blue coat. He said he thought the film industry would be divided about 50-50 between President Roosevelt and the challenger, but added: "You'd be surprised at the way party lines and economic ties are getting thrown overboard in this campaign. If you hear any talk about the haves doing this and the have-nots doing the other, you can kick it out the window. A few days ago in Hollywood I overheard a working man, obviously not lousy rich, comment on the fine voice of one man in the campaign. Then he said: 'But I've known a few cool men in my life and they all sounded like that, too.'"

On the other hand, there was Clifton Fadiman, literature's gift to radio. He flew out to Pittsburgh to lecture. Before boarding his TWA ship, he was asked to comment on Mr. Willkie and the boss race. "I've worked with Mr. Willkie in the entertainment—well, in radio—and I'm sorry he got out of the field."

Eastern Air Lines carried a share of the showfolk flyers during the week. Bob Hawk of 'Take It or Leave It' arrived from Washington Friday (25), and Judy Canova flew out to Atlanta on Tuesday (22). Edna Ferber took the line that has Dick Merrill and Leland Jameson to Washington, and Hugh S. Johnson followed the same day. Ben Marden and James Rutkin hopped off to Miami on Wednesday (23) in connection with the Hollywood (Fla.) Country Club deal, reputedly entailing Jack Dempsey coin.

Bob Hope

Continued from page 3

first show. Latter was 32 minutes late and amounted to little more than a rehearsal. There were several walkouts and requests for refunds.

In addition to his auto show appearances, Hope does his NBC Pepsodent show from the Community Playhouse here tonight (29). Held his audience preview of the broadcast same spot Sunday (27) and will likewise preview next week's ether offering in the Playhouse on Sunday (3). Auto show will be his final personal appearance this season.

Monday (4) Hope reports back to Paramount to go into 'Road to Zanzibar' (Crosby-Lamour) following which he does an as yet untitled chore on the same lot for Buddy DeSylva. Comic then makes one feature off the lot for Sam Goldwyn, but it's definite it will not be a remake of 'Whoopie' as previously rumored.

Mrs. Bob Hope (Dolores Reade) is staging for comic at his radio show appearances in Civic Auditorium, also singing. Others, of course, include Jerry Colonna, Skinnay Ennis, Brenda (Blanche Stewart) and Cobina (Elvia Allman).

Messmore Kendall Bills Himself As 'Willing to Fight Radio's Battles'

LONG-WINDED IRVIN COBB

His Gabbiness Embarrassing to WJR in Detroit

Detroit, Oct. 29.

Long-winded political speakers are poisoning some delicate problems on time for the broadcasting studios these days. Whole flood of protest stemmed up here, both to press and radio station WJR, when Irvin S. Cobb was cut off the air Friday night (25) while speaking in behalf of Wendell Willkie.

Norman White, production manager of studio, pointed out that Cobb was to run from 9:30 to 10 p. m. with 'Believe It or Not' to follow. When Cobb was five minutes over his time the Columbia announcer cut in and said program would be brought to a close.

However, that didn't satisfy the Republicans who wanted to hear Cobb to the conclusion. On top of these came calls from Democrats wanting to know what station meant by not coming on with its scheduled program and letting a long-winded Republican waste their good time.

Party and Returns In NBC Big Studio On Election Night

NBC last week sent out wired invitations over Niles Trammell's name for a studio gathering of advertisers, agency men and radio editors election night to absorb returns and refreshments.

Web has set aside its largest studio, 8H, for the event, which will include television. There will also be a camera in this studio to permit television set owners to see how NBC gathers, posts and distributes the returns.

Columbia's press release of Oct. 21 had a staged photograph of how the web would handle the elections. NBC carried an artist's conception of the appearance of Studio 8-H in action in its Oct. 28th issue of the NBC clip sheet.

WCAU's Arrangements

San Francisco, Oct. 29.

WCAU and the Stanley-Warner circuit last week completed a deal for the airing of election returns in 60-odd theatres in all parts of Philly and suburbs. The returns will be sent to the houses every 30 minutes through two special trunk lines and will be broadcast from the loud-speaker system with 30-second announcements, breaking in on the track of the films.

Frisco Branch Duplicates

San Francisco, Oct. 29.

NBC will move most of its live talent, including a couple of orchestras, into the Chronicle's newsrooms to originate all local KPQO-KGO shows from 4 p. m. onwards as part of a marathon Election Day party next Tuesday (5). Entire Chronicle editorial staff will aid in providing election coverage, while George Markikian provides exotic grub at Al Nelson's behest.

Talent which will work from be-

Messmore Kendall, who is running for Congressman-at-Large from New York on the Republican ticket, makes the first candidate in that area to direct himself at the radio vote. In a handbill he pleads that the people in the business "put a man in Congress who is willing and able and knows how to fight the battles for radio stations and the problems of radio and the people in radio."

It also asks that complimentary remarks be made about him on the air "between now and Nov. 5."

Kendall owns the Capitol theatre (Loew's) on Broadway.

tween the typewriters includes Ricardo and his orchestra, Judy Dean, the Little Brass Band, Songbusters, Paul Martin's orch, Horace & Hattie, Camillo Romo, Ernest Gill, Tune Termites, Will Aubrey's 'Good Old Days' program, Agatha Turley, Happy Gordon's Rangers, Rosie and her Guitars, Clancy Hayes, Dorothy Lee, Three Cheers, Mino Bonaldi, Armand Girard and others.

KSFO will concentrate on around-the-town pickups in collab with the Call-Bulletin. Bob Anderson, newscaster, will work from sheet's office, while Dudley Hall and Lynn Fox handle mikes in the Mayor's and Registrar's offices at City Hall. Ken Craig and Jack Gregson will be stationed at Dem and Republican headquarters, respectively, while Tro Harper roams the Mission, Chinitown and North Beach districts with a mother-car and a flock of pack transmitters for on-the-spot color. CBS outlet also running lines to Oakland and San Jose to give coverage on local candidates and issues in those spots. Latter city is 50 miles south of Frisco. Station expects to remain on air all night.

KFBC plans not completed yet, but station's news chiefs, Al Hunter and Phil Stearns, will work from Examiner's offices, station having effected tieup for election period. Only daily not yet linked to an outlet is the News (Scripps-Howard).

Milwaukee, Oct. 21.

Ann Gillis, CBS commentator, accompanying Wendell Willkie on a campaign swing through the middle west, received severe chest injuries her when the crowd jamming into the Milwaukee Auditorium crushed her against a wall.

Hope's Bxoptop Bee

Bob Hope show will soon get its seasonal bxtop-collecting test. Pepsodent this time will offer a candid camera of plastic material for a bxtop plus 15c.

Last season the program had a contest, offering cash prizes for a name for Bill Goodwin's baby. The entries had to be written on bxtops.

IN BALTIMORE IT'S **WFBR**

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap - 99% pure

LISTEN TWICE DAILY

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

IN . .

5:45-6 P.M., EST

COAST TO COAST

DR. COMPTON ADVERTISING AGENCY

MG. OF WOLF-RKO BLDG., NEW YORK CITY

Who's Who of CBS Newscasters

The Columbia Broadcasting System's press department last week prepared a who's who of its news commentators and foreign staff reporters. This is prompted by general curiosity about the men who are carrying the reportorial ball under broken field conditions. Capsule rewrites on CBS data follow:

Elmer Davis, b 1890; Franklin College, 1910; Rhodes Scholarship to Queens College, Oxford; ten years on New York Times; articles and fiction for magazines.

George Fielding Elliot, b 1894 in Brooklyn; family moved to Australia in 1902; University of Melbourne; served in World War I with Australians; returned U.S.A. 1922; U. S. reserve officer.

Edwin C. Hill, b 1884; Indiana University, 1901; reporter, newsreel commentator, scenario editor.

Faul Sullivan, b 1908; Boston College of Law; Bank clerk, chauffeur and radio repairman; KMOX, St. Louis; WLW, Cincinnati; WHAS, Louisville.

Albert Warner, b 1903; Amherst College; Brooklyn Eagle, N. Y. Times; assistant chief, N. Y. Herald Tribune Washington bureau.

Linton Wells, b 1883; U. S. Naval Academy; Denver Post, around world 11 times; Siberian prison camp as guest of Bolsheviks; China, Mexico, Japan, Italy. Kicked out of several countries with distinction; attached Prince of Wales party, 1924; Took Ethiopia in stride; Speaks French, Spanish, Portuguese, German, Russian, Japanese and Samoan.

Robert Trout, b 1908; Script writer, 1931. WJWV, Washington; developed all libbing talent.

John Charles Daly, b 1914. South Africa; Marist Brothers College, Johannesburg; Boston College; actor, wool clerk, announcer; lieutenant, U. S. Navy reserve.

Edward R. Murrow, b 1904, Greensboro, N. C.; Stanford, Washington; various foundations; CBS Director of Talks, New York; succeeded Caesar Searchinger in London, 1937.

William L. Shirer, b Chicago; Coe College; Europe on cattle boat, scented, landed job Paris edition Chicago Tribune, 1925; all over Europe since; joined CBS in 1937; lives and works in Berlin, keeps family in Switzerland.

Eric Sevareid, b 1910; University of Minnesota; reporter, Minneapolis Journal; California gold miner; studied University of London and Sorbonne, Paris; night editor U.P., Paris.

Cecil Brown, b 1908; Western Re-

serve, Ohio State; reporter; CBS press agent; to Europe for INS; joined CBS in Rome, January, 1940.

Edwin Hartlieb, b 1911; Notre Dame, Medill School of Journalism; worked on Latin American fruit boats; London rep for Time; Paris staff, Herald Tribune.

Larry Lesuer, b 1910; third generation of newspaper family; New York University, 1931; U.P. in Europe.

Walter R. Willis, b 1895; advertising solicitor, Hearst's American Weekly; ad manager, Harley Davidson motorcycles, later becoming a racer thereof; took over agency in Japan in 1929; became theatrical booking agent, publisher of English language, Japan Newsweek.

Harry Flannery, b 1900; Notre Dame, 1923, and later taught there; once secretary to playwright J. P. McEvoy; news and sports editor, WOWO, Fort Wayne; KMOX, St. Louis; just appointed by CBS to Berlin.

London Calling

London, Oct. 15.

BBC Overseas Press Bulletin has quit publication. News matter now splits three ways, among locally issued weekly, the \$2 subscription journal 'London Calling' and via Morse coverage aired Sunday mornings by Post Office. Program schedules will not come in for so extensive a pre-release as hitherto.

Mike Meehan, producer for record-run 'In Town Tonight', once vehicle for many of visiting U. S. show biz folk, will handle new 'Stars At Home' series.

'Annette', girl who's been playing hide and seek with the troops over Forces Network, uncovered as Betty Astelle. She runs a phone call routine broken up with a vocal and a disc or two aimed at her boy-friend, and the khaki gang chisels in. Girl bowed out of pics after a promising start through illness. Her radio show rates tops with the troops.

Flo Desmond mixed by air-raid alarm from opening shot on 'Stars At

XEQ, Mexico City, Introduces Previews Of Shows Available for Sponsors

Mexico City, Oct. 20.

Radio station XEQ, 50,000 watts and one of the properties of the Azcarraga group, celebrates its second anniversary Oct. 31 with an elaborate program arranged by Carlos Riveroll Del Prado, American-trained (KNX) production manager, and Enrique Contell, general manager.

'Danger—Men At Work' laugh show which drew high listener-rating on initial ethering series, set for a further stretch of six weeks.

BBC sends news out 55 times a day in 22 languages in addition to English, Welsh, and Gaelic. Maltese and Burmese also draw occasional spiel.

Announcers and staff of BBC now quartered all night in Broadcasting House. Nocturnal gang takes to the mattresses vacated by day workers. Basement section dressed like a dormitory with 'Ladies This Way, Gents to the Right,' etc.

George Jackley, Phyllis Stanley, Jack and Daphne Barker are perma-

nent with the new C. B. Coghnan radio-hour. Show is carrying a scripting staff of nine.

XEQ has made marked progress during its two years. This station introduced an innovation to Mexico, a preview of its shows, performances of packages ready for sponsorship in a city where production values have been an afterthought.

Riveroll Del Prado arranges and supervises these previews.

ment with the new C. B. Coghnan radio-hour. Show is carrying a scripting staff of nine.

CUT DOWN YOUR HANDICAP!

Business is not like golf or bowling. Nobody concedes you a handicap for a bum guess or failure to know the facts.

Cut down your handicap today. Eliminate your bum guesses by relying for facts on—

FOURTH ANNUAL VARIETY RADIO DIRECTORY 1940-41

ON SALE \$5.00

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154 West 46th St.

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Please send.....copies of VARIETY RADIO DIRECTORY
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Address

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EASE RADIO EXAMS FOR WAR PLEDGEEES

Toronto, Oct. 29.

Pressing demand for trained radio men in wartime has seen the School of Practical Science at University of Toronto modifying enrollment requirements for those who signify they will enlist afterwards. Part of the practical work will consist of the construction by every student, piece by piece, of a transmission and a receiving set. Use of radio in war, especially the short and ultra-short, is stressing importance of radio more and more, states Dr. E. F. Burton, dean of the SPS. Graduation will lead directly to commissions in the three services (army, air, navy) with most choosing the navy.

XEW Moves to 910

Mexico City, Oct. 29.

Station XEW, most powerful (100,000 watts) in Mexico, is experimentally shifting to 910 kilocycles and will probably stay there. It has been on 890 heretofore.

New wavelength will help American stations and also XEW.

KSCJ
The JOURNAL
5000 WATTS
The ONLY Radio Transmitter of this or greater power within 75 miles of Sioux City

From the Production Centres

San Francisco, Oct. 29. — Latest entrant in Frisco scramble for choicer air channels is KYA. Currently on 1230, the Hearst outlet is asking for 560 kc, now occupied by KSFO.

KSFO meantime is seeking a middle-wave spot in an effort to launch 50 kw.

Group plans to file application in near future for a local outlet with full details as yet to be planned out.

Radio's Peeve at Meat Biz

Washington, Oct. 29. Curse of the National Association of Broadcasters was put last week on the meat packing industry. Failure to devote to radio any of the \$2,000,000 for advertising drive through the American Meat Institute drew an unmistakable hint to station operators to be careful about giving any free plugs to the big packing houses.

With the campaign in 16 magazines and 150 newspapers in progress, the N. A. B. remarked that radio isn't getting its fair share of the budget because the Meat Institute feels that there is plenty of free time for the asking. Broadcasters are paying for their past generosity, the radio trade body commented sourly, adding that in the past it has engaged in 'considerable correspondence' with the National Live Stock and Meat Board, the Institute of American Meat Packers and related outfits concerning free offers and time chiseling.

"Admitting that many individual advertisers in this field have been and are regular users of paid time, the extent to which radio is being bled still appears as the chief reason for its being shut out of the present campaign," the N. A. B. said.

"Every broadcaster is familiar with the flood of publicity scripts, recipes, menu suggestions, booklet offers, and other so-called 'news for housewives' which these same groups have constantly sought to place on women's programs and domestic science hours throughout the country. . . . When the meat packing industry, which has wasted off radio's sales solicitations for years with the excuse 'No funds for advertising' invests \$2,000,000 in printed media (while still seeking and expecting free time on the air) it may well be that the time has come for radio to 'make its move,' trade unit warned.

POLITICAL ADVS. BOOST L.A.; SPOT OFF

Los Angeles, Oct. 29. Politics are pounding down the stretch and that means a thick spread of coin on all fronts. Columbia's KNX reported the week devoid of any other activity, with 140 quarter-hours contracted for by agencies. Added to the national campaign is the hot fight locally for district attorney and daylight saving. Only deficit of the week showed up in national spot. Don Lee's KJH made the best showing in new contracts.

KNX: Republican Campaign Committee, 15 quarter-hours, through Lockwood-Shackelford; Di-Mon-Gio, 78 participations in 'Fletcher Wiley' combination, through Ted Dahl. KFI: Forest Lawn Memorial Park, 23 participations in 'Art Baker's Notebook'; through Dan B. Miner; White Laboratories, 32 one-minute transmissions, through H. W. Kastor; Musterole, 130 announcements, through Erwin-Wasey; Remington-Rand (razors), 27 announcements, through Leeford agency; May Co., eight announcements, through Milton Weinberg.

KECA: May Co., five announcements, through Milton Weinberg; Willie: Republican Committee, 14 announcements; and one-minute transmissions, through Lockwood-Shackelford; Pico Co., 111 announcements, through Lake, Spiro & Shurman.

KJH: General Cigar, 104 quarter-hour programs, through J. Walter Thompson; Rev. Roy Laurin, 130 quarter-hour programs; Par Soap, 13 quarter-hours, through Tomaschke-Elliott; Randall Motor Club, 13 quarter-hours, through Lockwood-Shackelford; Rose Hills Memorial Park, 39 quarter-hours, through Philip J. Meany; Carter Products, 5,200 spots, through Street & Finney; Potter Drug 524 spots, through Atherton & Currier.

KFWB: Southern California Enterprises, 52 quarter-hours; Buron Pitts for District Attorney, two quarter-hours, through Allied Adv.; 'We the People Committee for Willie, 60 announcements, through Don Montgomery.

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
12,311	11,614	2,275	26,230	12,311
11,448	11,128	2,311	24,907	11,448
+7.8%	+4.4%	+2.3%	+5.3%	+7.8%

(Included: KECA, KP, KFWB, KJH, KNX)

Seattle Local OK; Total Units Perky

Seattle, Oct. 29. Network biz stuck in the status quo here this week, while other units rose. Local gains were outstanding as political fight got hot in this area due to anticipated heavy vote.

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
5,615	10,865	772	17,252	5,615
5,610	10,497	760	16,867	5,610
+3.5%	+1.6%	+2.3%	+2.3%	+3.5%

* No change. (Included: KIRO, KOL, KRSC)

KOA SELLS 384 1/4 HRS.; KLZ CLOSE WITH 364

Denver, Oct. 29. 'Twas a nice race, apparently, between KOA and KLZ to see which could sell the most quarter-hours last week. KOA won by a nose—384 to 364. Four remotes a week from Mammoth Gardens (roller skating and other sports) were responsible for 208 of the quarter-hours on KLZ, while Kay's jewelry Co. bought 312 of the total on KOA.

Two department stores were represented in the week's sales, with the Golden Eagle Store buying 156 quarter-hours on KLZ, and the new W. T. Grant Store signed for 52 quarter-hours and 520 announcements on KOA.

KLZ: Mammoth Gardens, four quarter-hour remotes weekly, one year; Golden Eagle Dry Goods Co., through Max Goldberg, three 15-minute weekly, one year; Public Cab Co. eight spots; Campana Sales Co., through Aubrey, Moore & Wallace, one spot; Packard Motors, through Young & Rubicam, 21 spots; Standard Oil Co., through McCann-Erickson, 26 chain breaks; Lever Bros., through Ruthrauff & Ryan, eight announcements; Republic Drug Co., through Raymond Keane, 10 spots; American Toy Corp. Co., through Buchanan-Thomas, four spots; Republican State Central Committee, through Ball-Davidson, four political spots.

KOA: Kay's Jewelry Co., through Raymond Keane, six quarter-hours weekly, one year; W. T. Grant Co., through Max Goldberg, 52 quarter-hours and 520 announcements; P. Lorillard Co., through Lennen & Mitchell, 20 10-minute programs; Bay Petroleum Corp., through Raymond Keane, 18 10-minute programs; Aviation Institute of Denver, through Lane-Freiberger, three five-minute programs.

KFEL: Albany Hotel, three-quarter hours a week with Willie Hartzel on the 'Ranch'; Public Colorado School of Mines, 10 football announcements; announcements to the following: Acme Silver Plating Works, Ala-Down Pharmacy, Bangharts Market, M. & M. Motor Co., Timber Down Tavern, Jack's Fruit Store, National Fuel Co., Imperial Cleaners, S. H. McKee Motor Co., H. S. Lay Studios, King's Creamery, Welly Tavern, Skelly Heating Equipment Co., Pikes Peak Fuel Co.

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
8,545	4,480	1,515	14,540	8,545
8,385	5,381	1,718	15,484	8,385
+1.9%	+16.7%	+11.8%	+6.1%	+1.9%

(Included: KFEL, KLZ, KOA, KVOB)

DES MOINES SPOT UP

Nat'l Biz Gains 6% While Local Dives —Web Plus 2.8

Des Moines, Oct. 29. Total business edged upwards slightly, national spot contributing heavily to this performance with a 6.1% gain. Local units meantime took a dive. Network fare okay.

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
8,540	3,254	3,424	15,218	8,540
8,310	3,491	3,227	15,028	8,310
+2.8%	-6.8%	+6.5%	+1.3%	+2.8%

(Included: KNTN, KSO, WHO)

DETROIT 'PLUS' 1.4%

Rival Political Coin Weas Michigan —Local Healthy

Detroit, Oct. 29. Nearing the stretch on the political campaign, Detroit's stations are catching a heavy amount of this type of business. With Michigan marked by recent polls as one of the states with a narrow margin which can swing it either way, political buying here has been so heavy it has meant that stations have killed many half-hours of network time.

Local business continues to build up steadily with clothiers, furriers and brewers among the most liberal spenders. The scene here has become decidedly healthy.

WBKB: Murray Furs, 45-minute miscel., Sundays, 13 weeks; Good Housekeeping Shop, two-hour musical, Saturday, indefinite; Auto City Brewing Co., half-hour show, Sunday, 13 weeks; Franklin Department Store, five 15-minute newscasts of Bill Sawyer, Monday through Friday, 13 weeks; Sally Furs, two 15-minute orph., 'Mountain Pets,' Tuesday and Thursday, 13 weeks; Bowery Night Club, seven 15-minute programs of recordings, week around, 13 weeks; five spot announcements daily for Musterole and five for Pain Expeller on 'Polish Hour' programs, 13 weeks.

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
8,665	11,923	5,171	25,759	8,665
8,980	11,407	5,024	25,411	8,980
-3.5%	+4.5%	+2.9%	+1.4%	-3.5%

(Included: CKLW, WBKB, WJR, WJNC, WWJ, WXYZ)

WBAL'S STUDIO PARTIES FOR MERCHANDIZING

Baltimore, Oct. 29. Harold C. Burke, managing director of WBAL here, has inaugurated a series of 'Studio Parties,' to merchandise its new programs. Account executives, salesmen, employees and selected customers are invited to the station for details of the proposed radio campaign stressing sales angles planned and method of developing a follow-through.

After the business of the evening is completed, a variety show employing studio orchestra and talent, is staged by Paul Gerard, station production head. Electrical transcription of gags by invited guests are made and played back with particular emphasis laid on selling the new show to client's entire personnel.

Important National Spot Accounts Placed Last Week

(According to Reports from VARIETY'S 'Radio Market Cities')

Account	Agency	Time Purchases
American Bird Products	Weston-Barnett	1/4 Hours
B. C. Remedy	Harvey-Massengale	Announcements
Baume Bengue	Wm. Esty	Announcements
Beaumont Laboratories	H. W. Kastor	Spots
Beneficial Casualty Insurance	Shelton Agency	1/4 Hours
Dr. W. B. Caldwell	Sherman & Marquette	Announcements
Carnation Milk	Erwin, Wasey	Participations
Catspaw Rubber Heels	S. A. Levynne	Spots
Compagnie Parisienne	Northwest Adv.	5-Min. Spots
Continental Baking	Benton & Bowles	Announcements
du Pont	BBD&O	1/4 Hours
Farnsworth Television & Radio N. W. Ayer	Chain breaks	Spots
F. Fougere (Vapex)	Small & Seiffer	Spots
Feenamint	Wm. Esty	1/4 Hours
Hinds Honey & Almond Cream	Wm. Esty	Spots
Lester Piano Co.	P. R. Menfre	1/4 Hours
Lever Bros. (Rinso)	Ruthrauff & Ryan	1/4 Hours
Manhattan Soap Co.	Franklin Bruck	Announcements
Mantle Lamp Co.	Presba, Fellers & Presba	1/4 Hours
Marlin Firearms (Razor Blades)	Craven & Hedrick	Participations
Maryland Pharmaceutical	Jos. Katz	Announcements
May Co.	Tagro Agency	1/4 Hours
Mission Bell Wines	Schwimmer & Scott	Announcements
Musterole	Erwin, Wasey	Announcements
Packard Motors	Young & Rubicam	Announcements
Peter Paul Chocolates	Brascher, Davis	1/4 Hours
Piso Co. (Cough Syrup)	Lake-Spiro-Sherman	Spots
Potter Drug (Cuticura)	Atherton & Currier	Announcements
P. G. (Dash)	Pedlar & Ryan	1/4 Hours
Railway Express Agency	Caples Co.	Announcements
Remington-Rand	Franklin Bruck	5-Min. Spots
Scars, Roches	Mayers Co.	Spots
W. A. Sheaffer Pen Co.	Russell M. Seeds	Announcements
Southern Pacific R.R.	Lord & Thomas	Announcements
Standard Oil	McCann-Erickson	Time signals, Announcements
Studebaker Corp.	Roche, Williams & Cunningham	1/4 Hours
Stick Chemical (Va-tro-nol)	Morse International	5-Min. Spots, Announcements

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
8,540	3,254	3,424	15,218	8,540
8,310	3,491	3,227	15,028	8,310
+2.8%	-6.8%	+6.5%	+1.3%	+2.8%

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Hub Dept. Store	Baltimore	Announcements

Two More Papers Join Frisco's Air-News Coverage of Politics

WGR Amends Bid

Buffalo, Oct. 29. WGR, which had sought boost in nighttime power from 1,000 to 5,000 watts, sent an amended application to the FCC last week. New request omits request for power uppage. Outlet shifting its transmitter from Tonawanda to Hamburg, N. Y.

Salt Lake Gains Slightly; 2 Buy Election Returns

Salt Lake City, Oct. 29.

Political programs continue to hold the spotlight here, while network and heavy local schedules keep time availability extremely limited. KDYL: Graybar Electric Co., sponsorship of election returns; American Popcorn Co., through Buchanan-Thomas, series of spots; Personal Finance Co., 62 announcements; Sweet Candy Co., 52 Class A announcements; Purdy Biscuit Co., twenty-six 100-word spots; Morris Finance Co., 30 fifty-word announcements; P. W. Madsen Furniture Co., five 50-word Class A spots weekly. KSL: North American Accident Insurance Co., through Franklin Bruck, series of five-minute announcements; Smith Brothers Cough Drops, through J. D. Tarcher, Inc., series of 50-word evening announcements; Plough, Inc. (Penetro), through Lake-Spiro-Sherman, series of one-minute and 50-word announcements; Rexall Drug Co., through Street and Finney, Inc., three quarter-hour spots.

KUTA: J. B. Burnham Finance Co., election returns; Stoptiles, through Featherstone Agency, 500 spot announcements; United Mushroom Co., through McGillivray Agency, 68 spot announcements; Sears, Roebuck & Co., 100 spot announcements.

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
7,985	2,856	629	11,270	7,985
7,954	2,644	603	11,201	7,954
+0.4%	+0.5%	+4.3%	+0.6%	+0.4%

(Included: KDYL, KSL, KUTA)

San Francisco, Oct. 29.

Everybody concentrating on election tieups this week, with result press is full of call-letters. Started by Al Nelson, the radio-paper operative coverage idea has blossomed out three-fold. In addition to the NBC KGO-KFO affiliation with the Chronicle, CBS-KSFO has hooked up with the Call-Bulletin (Hearst) while the latter's sheet-sheet, 'The Examiner,' will have KPCC-Mutual mikemen under foot. Other biz virtually at a standstill, political broadcast rumors up skeds beyond hope. Not many wheels will turn until after it's all over.

KFRC: Carter Products (for Arrid), through Spot Broadcasting, N.Y., 156 one-minute spots; Armand Co. (for Brisk wash cream), through Russell M. Seeds, Chicago, 65 100-word spots; Bureau of America, through Charles R. Stuart, one quarter-hour, California network; Hastings Clothiers, 195 quarter-hours through July 18, 1941, Fulton Lewis, Jr. (renewal); Willkie-McNary headquarters, through Campaigns, Inc., 30 spots.

KVTA: Riggio Tobacco (Regent cigarettes), through M. H. Hackett, N.Y. and International Radio Sales, N.Y., 14 news flashes daily, every day, 52 weeks; Skippy Peanut Butter Co., through Botsford, Constantine & Gardner, three quarter-hours weekly; 'Superman,' William H. Wise, Seattle (for aviation book), through Northwest Radio Advertising, Seattle, five minutes weekly; 'Wing of the World,' The Fur Doctor (furs), through Allied Advertising, six participations weekly; 'Sunrise Round-up,' Doudmatt Shoe Co., direct, three five-minute periods weekly; 'Health Shoe Shoemaker' (renewal).

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
10,625	4,297	2,227	17,149	10,625
11,090	4,096	2,132	17,308	11,090
-4.1%	+5%	+4.5%	-0.9%	-4.1%

(Included: KGO, KGO, KJBS, KFO, KSFO)

CHI RESTING; TIME SCARCE

Chicago, Oct. 29.

Business has settled down throughout the local radio field, with everybody who is coming in already in, and with the bulk of the stations practically stationary for the time being. It is now mid-season, the status quo remains, and no real changes are indicated until after the first of the year.

Here and there a couple of additional accounts are being picked up, such as a six-a-week strip of 10 minutes each on WMAA for the Daily News in a tie-up deal; WJJD got 15 minutes weekly for the Great Lakes Blind Co., through Commercial Broadcasters agency; Standard Oil of Indiana bought 12 station-break announcements weekly through McCann-Erickson; Grove Laboratories took six one-minute announcements weekly, through J. Walter Thompson; and the Greer Shop Training firm has 15 minutes on Sundays, through Robert Kahn Associates.

There is a good deal of political business to fill in some late evening spots, but the good time is all commercial anyway, so there is little being gained commercially by the stations in substituting public-necessity broadcasts for the standard commercials.

WGN has announcement schedules from Famous Permanent Wave Salons, through Ferry-Hanley; Willie Clarks of Illinois, through Sherman & Marquette; Jests, through Joseph Katz; Sheaffer Pen Co., through Russell M. Seeds; American Cranberry Exchange and a 15-minute participation in the 'Make Believe Ballroom,' for Gorjus, through Neisser-Meyerhoff.

Oct. 26 Compared to Oct. 19				
Network	Local	National	Spot Units	Total Units
9,740	5,944	11,250	26,944	9,740
9,740	5,940	11,220	26,900	9,740
* +0.3%	+0.3%	+0.2%	+0.2%	* +0.3%

* No change. (Included: WGN, WGN, WGN, WJJD, WLS, WMAQ)

ASCAP Festival Turns 'Em Away At N. Y. Fair; Draws Top Weekday B.O.

By ABEL GREEN

Cavalcade of American Music was the inclusive tag of the Music Festival staged by the American Society of Composers, Authors and Publishers at the Music Hall on the N. Y. Fairgrounds Thursday (24) afternoon and evening, on a day that saw just over 200,000 admissions clocked, a record weekday take. Whether the ASCAP show—certainly an all-star galaxy that will never be duplicated on any stage—was the draw, or whether it was the pyramiding peak in the values of the fair, fact remains the turnaways at the hall, for the ASCAP show, were plenty. Had it been sold as impressively the occasion warranted, it might have assumed almost riotous proportions, so it's just as well that the sundry details, causing delay on advance publicity buildup, resulted as it did.

Certainly here was a show that was undersold. It was the Fair or the ASCAP publicists' fault as it was a sequence of procrastinations from within and without, having to do mainly with the locale, until Mike Todd agreed to vacate his 'Streets of Paris' for that night in order to house the matinee and evening ASCAP show. Actually, in view of the Fair's waning interest, and for better showmanship values—especially because of the subtle purpose intended—ASCAP might have done itself a better favor if it hired Madison Square Garden and even engaged broadcast facilities.

Brightly, yet with the proper touch of sentiment, emceed by the Society's president, Gene Buck, a who's who of songwriter-entertainers at the night show comprised the popular program, as contrasted to the afternoon's Rochester Philharmonic Symphony concert batoned by Dr. Howard Hanson, himself an ASCAPIte.

Opening with the national anthem—and Francis Scott Key is not an ASCAP member—and John Philip Sousa's 'Stars and Stripes Forever', until the 35th and final act, Irving Berlin singing his own 'God Bless America' (which, incidentally, is an ASCAPIte) it was certainly an impressive cavalcade of what the Society holds within its catalog.

Parade of Name Songsmiths

The parade of songsmiths presented included Berlin, Sigmund Romberg, Jerome Kern, Billy Hill, Dave Stampfer, maestro Johnny Green who conducted the entire show with a pickup band of 60 that did a capital job throughout, Ray Henderson, Harry Belafonte, W. C. Handy, Jessel Schwartz, Arthur Schwartz (sans Howard Dietz), Clara Edwards and Jack Lawrence, Richard Rodgers (sans Lorenz Hart), Joe E. Howard, Gene Autry with his trio from the Rodeo, singing his own cowboy songs; medleys of Cohan, Gershwin and Victor Herbert in tribute to Cohan's illness forced last-minute dropout; the lone disappointment of the announced talent, Walter Donaldson, Peter DeRose and May Singhi Breen, Harold J. Rome, Harry Armstrong, Ruth Lowe, Sammy Fain, Ernie Burnett, Nick and Charles Kenny (a couple of scared barber-shop chorale), Ferde Grofe, Irving Caesar and Gerald Marks, J. Fred Coots, Fred Ahlert and Milton Ager.

As with the ASCAP Day at the San Francisco Exposition, broadcast facilities were denied the event, the municipal N. Y. City station, WNYC, alone picking it up via transcription for re-broadcast on the morrow, when time schedules permitted.

Despite the dominantly male parade of songwriters, it was a wholly showmanly affair, running solid three hours from 8:30 and leaving them hungry for more. Where some of the interpretive talents of the songsmiths proved weak, Buck covered that up by stating, 'It's enough we write 'em for others to sing and play 'em.'

Tribute to Kern

Of the female interludes, the very photogenic HOLLACE SHAW who introduced 'All the Things You Are' in Jerome Kern's 'Very Warm for May' reprised that with the composer at the piano. Both Kern and Romberg stopped things cold with their musical comedy excerpts, and W. C. Handy, trumpet-soloing his equally classic 'St. Louis Blues'—with few

the wiser that the blind tunesmith was being eased off and on and off the stage—likewise tied things up cold. That went for a number of the other writer-entertainers, whether aided by more skillful interpreters of their songs or sans assist, who were kept to a strict schedule, however, by confederer Buck, due to the wealth of material.

Jules Bledsoe was another soloist; Margaret Speaks sopranoed Friml, Romberg and her uncle Oley Speaks works; Harry Armstrong led in a gang-song of his 'Sweet Adeline'; ditto entertainer-singer Joe E. Howard wowed with 'I Wonder Who's Kissing Her Now'; Ferde Grofe guest-conducted his 'On the Trail' movement from 'Grand Canyon Suite'; Johnny Green conducted the sundry musical salutes to founder Victor Herbert, along with tributes to Gershwin and Cohan. When Kern came on the rostrum, an unusual salute to that composer was the rising of the orchestra in his respect.

There wasn't a single word aent any rift between ASCAP and the broadcasters, the occasion being keynoted as the 25th anniversary celebration—actually it's 26 years now.

Afternoon's 'Serious' Concert

Afternoon session of symphonic works got under way about 2:30 p.m. with New York's Mayor F. H. La Guardia batoning the Rochester Philharmonic in the 'Star Spangled Banner'. The 3,000 seat Music Hall was never more than three quarters filled during the slightly more than two hour parade of serious works, but with turnover had more than capacity for that portion. Buck handled the introductions smoothly, as he did the evening session, and Deems Taylor did the commentary. Dr. Howard Hanson, director of the Eastman School of Music, was conductor.

ASCAP officials aver that in several instances they had a bit of difficulty in convincing Fair visitors that the concert was free admission. Also that a number of people on hand thought that 'Streets of Paris', which the Music Hall housed until a week ago, was still operating and these sought to buy tickets to a performance of the musical.

Between the afternoon and evening sessions the ASCAP maintained open house for visiting newspapermen and other invitees at the National Advisory Club, nearby the Music Hall. Buffet lunch and refreshments were served. The interlude was under direction of A. P. Waxman, ASCAP rep.

'Student Prince'

Continued from page 1

will help combat national hatreds and emphasize the American spirit of tolerance and understanding, Schuler asserted.

With the house scaled to \$150, more than 7,000 attended the two performances. Roy Cropper, New York musical comedy tenor, was brought here to hear the cast of natives which included Sadie Haines, Russell Yaeger, John Todd, Jr., Charity Grace, Margaret Hart, Jack Weaver, William Atwood, Bob Ramsey, Hugh Sanders, Harold Muchow, George Ross, Rose Eilers, Arthur Mackless, George Frangoulis and Jean Ashsens. Schuler and Bruce MacFarlane directed.

Nitery Erases Germanism

Philadelphia, Oct. 29. Reminiscent of World War days, when sauerkraut was called 'liberty cabbage' and no one dared to have German measles, was the action taken last week by John Weber, operator of the Hofbrau in Camden, N. J.

Weber, who incidentally is Swiss and not German, reluctantly fired all his German help, changed the Bavarian Alpine uniform of the rest into the conventional style, and erased the Teuton atmosphere. Hereafter, Weber's spot will be run with 'village-barn' policy, with square dances, hayseed entertainment, etc. The name 'Hofbrau' will remain, however.

George Damerel, son of Myrt (and Marge) takes his band into New Colonial Inn, Singac, N. J., Nov. 4. Marge is Myrt's daughter.

\$200,000 Song Suit By Cuban Composer Vs. Par

Application by Paramount to dismiss a \$200,000 suit against it for alleged unauthorized use of a song will be argued in N. Y. federal court Nov. 12. Plaintiff is Eduardo Sanchez De Fuentes, Cuban composer.

De Fuentes claims his song, 'Por Tus Ojos', written in Cuba, with subsequent registration in Washington, was used by the film company in a Spanish language film called 'Cuando Canta La Ley', starring Tito Guizar.

CONSOLIDATED'S ACTIONS CAUSE TRADE TALK

Movements of Consolidated Radio Artists in releasing or selling back to bands the booking contracts it holds on them has the trade wondering. In the past few months CRA has sold contracts back to Russ Morgan, Jan Savitt, Don Bestor, Les Brown, and has otherwise rid itself of practically all its bands of any note except Gray Gordon and Blue Barron. In addition to that the agency is no longer booking Charlie Barnet although that situation is still to be determined by a legal battle. Barnet is doing his own booking while awaiting the disposition of a suit to release him from his tie with CRA.

What the outcome and aim of disposing of most of its properties will be is what has bookers and bandmen wondering. Besides letting go those bands the agency has closed its Cleveland office, let out Bob Sanders from the top spot at its Chicago office, putting that branch's accountant, George Lueks, in his place. Bob Elhart, current Chi night booker, was formerly assistant to Sanders. Sanders has become a road salesman for Joe Glash, concentrating on selling Louis Armstrong on a forthcoming tour.

Only strengthening action CRA has taken since losing its hold on the above named outfits was last week when it signed Matt Hallett to a management contract and booked him for an indefinite stay at the Edison hotel, New York, beginning Nov. 8. Current Gray Gordon leaves the Edison the previous day for a one-night and theatre tour.

HIS BEAT TOO MILD

Leader Tommy Carlyn Must Re-superate Blood Pressure

Pittsburgh, Oct. 29. Tommy Carlyn, dance band leader hereabouts for several years and currently at Nu-Elms ballroom in Youngstown, O., has been ordered by his physician to take a three-month rest on account of low blood pressure, and he's been dickered with Jerry Blaine, New York maestro, relative to taking over the outfit under his wing. Slight money difference holding up each now, but it's expected to go through this week with Blaine taking over as of Nov. 4. Understood that agreements will also include Carlyn when he's able to work again. Park Central Hotel (N.Y.) booking in the offing for the Blaine-Carlyn crew, which will, however, carry only the former's name.

Band Bookings

Will Bradley, Oct. 30, Roseland B. Claremont, N. H., Nov. 4, Pennsylvania hotel, New York, one night; 10, one night, Waldorf hotel, N. Y. Del Courtney, Nov. 6-7, Paramount theatre, Anderson, Ind. Al Donahue, Nov. 29, Electric Park, Waterloo, Ia.

Duke Ellington, Dec. 12, Colgate U., Hamilton, N. Y. Claude Hopkins, Dec. 27, Pelham C. C., Pelham Manor, N. Y. Ted Lewis, Nov. 30-Dec. 1, Majestic theatre, Fort Worth, Tex. Vincent Lopez, Nov. 9, Cathedral theatre, New Castle, Pa. Will Osborne, Nov. 23, Frog Hop B. St. Joseph, Mo.; 28, Tromar B. Des Moines, Ia.; Dec. 13, State Lake theatre, Chicago; 27, Fox theatre, St. Louis.

Boyd Raeburn, Dec. 23, Arcade Roof, Gatesburg, Ill. Johnny Long, Nov. 9, Williams College, Williamstown, Mass.; 15-16, Gettysburg, C. Gettysburg, Pa.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (Oct. 21-27). 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
Practice Makes Perfect (13).....	BMI	34
There I Go (13).....	BMI	32
Two Dreams Met (2).....	Miller	27
Ferryboat Serenade (8).....	Robbins	24
Our Love Affair (7).....	BMI	21
Same Old Story (13).....	BMI	21
I Give You My Word (5).....	BMI	19
Maybe (13).....	Robbins	19
Looking for Yesterday (8).....	Berlin	18
Only Fools (8).....	Sanley	17
Twelve Winds (12).....	Harms	17
So You're the One (1).....	BMI	14
Call of the Canyon (13).....	Shapiro	14
We Three (6).....	Mercer	13
And So Do I (11).....	Feist	12
Slushy Hill (15).....	Chappell	12
Dream Valley (1).....	Feist	12
Nightingale Sang in Berkeley Square (2).....	Shapiro	12
A Million Dreams Ago (8).....	ASC	11
Now I Lay Me Down to Dream (1).....	Reinick	11
We Could Make Such Beautiful Music (16).....	BMI	11
When the Swallows Come Back (17).....	Witmark	11
Rhumboogie (9).....	Leeds	10

Sidney Kaye Addresses BMI Luncheon

Some 20 Newspapermen, Songwriters at Table—Calls ASCAP 'Self-Boycotted'

By BERNIE WOODS

Some 20 newspapermen, songwriters and Broadcast Music, Inc., officials gathered at a luncheon at the Roosevelt hotel, New York, Monday (28) to listen to an explanation of the workings of the radio-backed song publishing outfit. Sidney Kaye, lawyer v.p. of BMI, talked to the gathering for a half hour or more once the calories were stowed, the major part of his discourse being concerned with ASCAP demands on radio. He told of the extensive preparations of BMI to handle the job that has been cut out for it, covering considerable ground that has been gone over before, then became available to answer queries.

On the BMI question, Kaye explained that the payoff to its songwriters will be made on a basis of 1c per performance per station. For example, a tune being played on a 100-station network hookup will be credited with \$1.00. Royalty payoff is to be made quarterly beginning with Jan. 1, the date of expiration of the radio-ASCAP contract. Songs used by BMI currently are to collect royalties on the same basis. BMI's method of checking and cross-checking every performance of a particular song has been specially devised and is expected to be practically foolproof, according to Kaye.

Barring Itself

The BMI official began his talk by saying that one of the primary purposes of the luncheon was to remove the taint of boycotting and barring of ASCAP music that has been placed on radio and BMI. He claimed that ASCAP was barring itself from radio because of its demands; demands that would wipe out practically all of the profits of the networks.

On the idea that special handling is being demanded of song users for BMI output, and not just non-ASCAP music, he said in essence, 'no preferential treatment is being asked or given BMI music anywhere in the country, and if he finds out that such is the case anywhere he will put an immediate stop to it.'

When asked BMI's attitude toward licensing taverns, etc., for BMI music, just as ASCAP does, Kaye explained that at that present nothing is being done in that regard. Said that for the present they wanted to avoid conflict with the American Federation of Musicians, that any additional levies on such sources of revenue might put musicians out of work. There was no mention of the same kind of spots that operate with mechanical tempo purveyors.

Same Charges

On the ASCAP side Kaye reiterated radio's charge that some 280 ASCAP songwriters got the major part of the annual divvy of about \$1,000,000, leaving only about \$60,000 of the yearly \$6,000,000 melon to be split among the bulk of ASCAP writers. He accused ASCAP publishers of cashing in on embryo writers via the ruling that the latter

are required to have at least five songs published by an ASCAP publisher before they can apply for admission to ASCAP. Said that the monetary returns on those five tunes are split up by ASCAP among its own membership before the writer of them can become an ASCAP member and eligible to share in his own works.

Kaye talked at length on the fact that due to network rulings re the number of non-ASCAP tunes that must be played on each half hour of network time, the percentage of ASCAP songs on radio has been cut considerably. Whereas 80% of sustaining and 76% of sponsored broadcasting once was composed of ASCAP music the ratio was now 25% on sustaining and 31% on sponsored.

He talked also on whether or not the radio listening public would miss ASCAP music. In his opinion there won't be much repercussion based on the absence of ASCAP copyrights. He cited as an example the six-month interlude, in 1936, during which all music in catalogs of the Warner Bros. combine was missing from the air. Said that there had been no serious objection from listeners at that time, even though the songs under the three WB companies consisted of the works of some of the best known writers.

Re the percentage of broadcasting profits ASCAP is demanding in the contract it wants radio to sign, Kaye said he saw no reason why radio should pay for the use of ASCAP music for sponsored or sustaining programs that do not use music at all. Said that ASCAP and BMI output should be bought in open competition on a per program basis.

DON PABLO COMPLAINS

Says Monaco's Cafe Is Giving Him a Rough Brush-Off

Cleveland, Oct. 29.

Although his outfit was given two weeks' notice by Monaco's Cafe, Don Pablo is burning and kicking to the union that he wasn't given a fair deal by the spot which he said promised him a three months run. Argument developed when Frank Monaco decided to put in floor shows. Owner spotting Carolyn Watts, Wesley Whitehouse and Chadwick in starter tomorrow (31) but yanking out Pablo's Detroit orchestra which has been here less than a month. It's being replaced Nov. 7 with King's Jesters who are coming in from Washington Hotel, Minneapolis.

Latter shift was complete surprise to Pablo, who thought he would be given floor revues and better radio breaks to build up slow supper trade. Both union and MCA, his booker, agreed he was getting a rough brush-off but that he couldn't do much about it since spot covered itself technically with two weeks' official notice.

ORGANIZE NON-RADIO PLUGS

Long Memories of Witnesses Standout In Opening of 'Josephine' Song Case

Trial of Shapiro-Bernstein suit against Alfred Bryan, Fred Fisher, Famous Music Corp., and Fred Fisher Music Co., Inc. got under way Monday (25) in the N. Y. federal court before Judge Grover Moscovitz. Action was immediately postponed at the end of the first day to Nov. 4. Suit involves the ownership of 'Come Josephine in My Flying Machine.'

Plaintiff charges that Bryan and Fisher were employed by Maurice Shapiro in 1909 and 1910 as songwriters, and in 1910 wrote the disputed song which was turned over to the plaintiff by Shapiro. In 1938 plaintiff renewed its copyright for an additional 28 years, but the defendants Bryan and Fisher did so also, and all three are now claiming ownership. A determination by the court as to the rightful owner, an accounting and an injunction are sought.

Plaintiff used no witnesses the first day, and both sides submitted briefs on the law. Defense called Alfred Bryan, Nathan A. Shay, who was formerly with Fisher, Sam Dody, of the team of Louis and Dody, and Fred Fisher. In rebuttal to the testimony given by these men the plaintiff called Elliott Shapiro. Also introduced into evidence was a page from VARIETY of 1910 to prove when the song was first written.

Surprising part of the first day's testimony was the incredible memories of several of the witnesses who were able to recall almost to the hour, the time and day of the writing of the song, but who were stumped at recalling other events of the same era even as to years, and who could not recall suits brought against them, or in their behalf, or their appointment by the supreme court as receivers of music companies. Despite this, recollections of taking off their shoes on a hot summer day in Central Park while writing the song were still vivid.

It is the contention of the plaintiffs that the song was written Oct. 18, 1910, while the defendants were in the employ of the plaintiff, and that the employment law allows the house copyrighting the song to renew it without the necessity of having the authors do so. The authors under the law have no claim to the renewal whatsoever under the law. The defendants claim that the song was written in 1909, prior to their employment by Shapiro-Bernstein, thus granting them the rights to the renewal.

SAM CUMMINS' MUSIC FIRM MORE ACTIVE

Angled by Samuel Cummins, indie film importer and producer, Foreign & Domestic Music Corp., is getting active in the pop publishing field in N. Y. Among the numbers in its catalog is a gypsy waltz from the Hedy Lamarr starrer, 'Ecstasy,' by the Hungarian composers, Denes Agay and Emery H. Haim. The waltz was brought forth under the title of 'Down the Gypsy Trail,' with lyrics by Walter Hirsch.

Although formed four years ago by Cummins, F & D has been relatively dormant until now. Heading the new firm's professional department is Syd Foley, formerly contact man with Bregman, Vocco & Conn, and brother of Norman Foley, general professional manager of Witmark.

Buff's Symp Soloists

Buffalo, Oct. 29. Six soloists will appear with Buffalo Philharmonic Orchestra during Franco Auriti's baton during coming season opening Thursday (7). Beethoven, Wagnerian soprano, starts the ball rolling Nov. 21.

Others signed to appear are Albert Spalding and Erika Morini, violinists; Rudolf Serkin, Webster Aitken and Lily Dymont, pianists.

Hall Johnson Mulls 25¢ Suit Vs. N. Y. Fair, NBC

Hall Johnson, colored Coast choir master, is reported retaining counsel for the purpose of seeking damages of \$25,000 from the World's Fair Corp., N. Y., and NBC. Contention is that he was misrepresented last year, when a choir alleged to be under his direction was radioed from the Fair as a promotional program. Johnson avers he had nothing to do with the outfit.

It appears that two colored people with reputed names of Hall and Johnson sold the idea to the Fair management, which assumed their choir was the real thing. Program was quickly yanked.

YANKEE WEB WRITES ASCAP PUBS

R. L. Harlow, v.p. of the Yankee Network, last week circularized music publishers in quest of information about non-ASCAP music that would be available to the network after Jan. 1. Many of the letters were received by ASCAP publishers. The Yankee Network had apparently gotten its names and addresses from some general list of publishers.

The ASCAP publishers were puzzled by the letter's use of the term 'independent publisher' in the opening sentence. They assumed that the regional network had out of cautiousness chosen this description instead of 'non-ASCAP' publisher. Letter from the 'Yankee Network' follows:

'It is our understanding that you are an independent publisher of music.'

'As it is not the intention of The Yankee Network to renew its license with ASCAP we are anxious to open our facilities to as large a group of independent Publishers and Composers as possible.'

'We therefore would appreciate knowing whether you are now affiliated with any of the licensing organizations; if so which.'

In addition, we would appreciate receiving any catalogue of music which you publish; and any information which you believe will aid us in presenting new or not usually heard compositions.'

'We are equally interested in all forms of musical compositions from the hymn books to popular melodies in dance rhythm.'

'Please include information as to where your publicists may be purchased and under what circumstances they may be used over radio stations WNAC and WAAB in Boston; WEAN in Providence, WICC in Bridgeport as well as on programs over the Yankee and Colonial Networks in New England.'

Excited, Kills Trombonist

Mexico City, Oct. 29. Pulque and music so intoxicated Jenaro Vazquez, labor leader, that during a festa at Aguascalientes City he fired at the ceiling but didn't hit it. Instead, his bullets pierced the heart of Simon Rodriguez, trombonist of the orchestra, killing him instantly.

Vazquez is being held for murder. He is being guarded against lynching threats made by musicians.

PUBS FROM ASCAP LIST PROSPECTS

Theatres, Ballrooms, Skating Rinks Canvassed for Substitute Openings to Plug ASCAP Music After Jan. 1—M.P.P.A. Meeting Reflects Expectation of Show-down Fight

PIANO TIE-IN

Music Publishers Protective Association last week took official cognizance of a possible break between the American Society of Composers, Authors and Publishers and the radio interests. Jan. 1. Although all present scrupulously avoided any mention of ASCAP, MPPA members met Thursday (24) to discuss primarily the need for charting in advance all other channels for music exploitation that would be available to the industry. With few exceptions all MPPA members are also members of ASCAP.

Publishers at this gathering exchanged views on how they would go about reorganizing their professional departments and how they have to revise their exploitation methods in the event the networks and the majority of stations do not renew their licensing contracts with ASCAP. The meeting was essentially called to lay the problem before the MPPA membership and to solicit ways and means of exploring substitute fields of exploitation. Meanwhile the MPPA's staff had already gathered some data that figures will prove quite valuable should the break occur. This data includes:

1. Names and addresses of theatres which have organs.
- (a) Theatres which already use song slides;
- (b) Might be included to use them.
2. Dancehalls in full or part time operation.
3. List of skating rinks throughout the country.
4. List piano manufacturers and dealers whose co-operation would be sought in a national advertising campaign to get homefolks back to playing the piano and holding parlor sings.
5. List of other instrument manufacturers and teachers to help stimulate a similar revival of interest with the added sales point that the material available to them cannot be heard on the air.
6. List of music clubs and local instructors to whom to get over a like message.

Meeting also took up several routine matters. Membership was advised of the new working hour ceiling put into effect by the administrator of the Wage and Hour Law and of the digest on this provision of the act which would be forwarded this week. The pubs passed a resolution agreeing to hold open the jobs of employees drafted into the army and they also agreed to co-operate with the Government in providing songbooks for soldiers and sailors at their recreation centers.

Joe Rines' Alter Ego

Joe Rines who, as John Ryan on Royale and Varsity records, built up a dual rep with his band, has formed a new combo, featuring himself and the Rex Irving unit. Latter is an integral septet, working like the original Raymond Scott idea, with Irving also a composer-conductor.

The combined, enlarged band opened Monday (28) at the Hotel Biltmore, Providence, for eight weeks, booked direct, including an 18-station Colonial network hookup. Another new adjunct is Lorraine O'Day, formerly with Ted Flo Rito's band, and first time that Rines has had a permanent femme vocalist.

Copyright Owners' Demands Slow Liquidation of 200,000 U.S. Discs

Warren Pearl Establishes Own Booking Office

Warren H. Pearl, treasurer of General Amusement Corp., resigns that position effective Nov. 1 to open his own management agency in collaboration with attorney A. Edward Moskowitz. Pearl will, however, retain his spot on the GAC board of directors. He's been with GAC for more than five years.

Agency set to roll is to be called Musical Management, Inc., and it will handle the affairs of orchestras of Bobby Byrne and Johnny Long. Moskowitz is attorney for the Byrne crew.

DENY NETWORK INFORMATION- TO PUBS

NBC has issued a ruling which will bar music publisher representatives from ascertaining any information regarding bands and song programming after Nov. 1. Net informed publishers last week that after that date they cannot enter NBC premises to determine what bands will air on certain nights and whether or not band leaders have scheduled their tunes to be played on remote broadcasts. Ban also extends to checking by telephone. CBS has had an identical ruling for the past three or four months.

Practice of pub reps had been to get information from the net on which bands would be picked up remote, on either the Red or Blue spreads, and contact the leaders to get their songs played. On the day the band was to broadcast they would check with NBC to find out whether the leader had scheduled the song and whether it had been okayed.

Pat Dolan Forces Out Hal Davis in New York

Hal Davis, lone New York arm of the Columbia Records publicity department, is resigning that position effective Nov. 1. He'll set up an independent p.a. agency in partnership with Les Leiber and take over the business and accounts left by Jack Banner. Latter replaced Dick Bard as head man in the WNEW, New York, news bureau last week when Bard resigned to enter active service with the U. S. Army.

Davis had handled the CRC exploitation since last January after shifting to that spot from Columbia Broadcastings' press department. Leiber was a member of the latter setup also, but of late has been doing free lance mag and book writing. Davis' resignation was forced by the development of a personal situation between himself and his immediate superior, Pat Dolan, Bridgeport, Conn., stationed head of CRC publicity.

Bobby Byrne Working

Bobby Byrne orchestra began its disputed date at Meadowbrook, Cedar Grove, N. J., last night (Tuesday). Byrne being sufficiently recovered from a recent appendectomy to baton the outfit. His trombone parts, however, are being played for dancing and on remote broadcasts by Moe Zudocoff, broadcast studio trombonist.

Teddy Powell band, which filled in at the spot for Byrne since last week (22), went back into the Famous Door, New York, on the same night. It had left there temporarily to fill in at Meadowbrook for Byrne.

Disposal of 200,000 discs by the New York and Scranton divisions of the U. S. Record Corp. may be stymied by the royalty claims on these same platters of copyright owners. After the courts in these two cities had authorized the sale of this stock as part of the company's reorganization plans it was discovered by Sidney W. Wattenberg, counsel for Harry Fox, agent and trustee, that no provision had been made for royalty payments. The record outfit now insists that the copyright owners agree to a flat settlement or the platters will be sold for salvage.

Under a court order the discs were to be sold immediately for what they could bring and the proceeds divided 50-50 between the Scranton and New York divisions of the company. Wattenberg protested that his clients would consent to the sale only if the royalties were to come off the top. U. S. Record argued back that if it had to pay the full 15% royalty per side it would hardly have anything left for itself, since it didn't expect more than 5c on each record. Wattenberg stated that he couldn't see how the copyright owners could be expected to make a flat settlement because the royalty figure was low enough in itself.

Outside of the royalties on this stock of 200,000 records, the company owes about \$20,000 in royalties.

ASCAP-Linked Pluggers Touch Bottom of Bad Breaks on the Air

Professional staffs of publishing firms affiliated with the American Society of Composers, Authors and Publishers last week passed through the toughest period of their careers and they see no relief for the next six days. They have had to contend not only with the absence of remote bands on CBS and the network freezeout of ASCAP tunes but with the cancellation of regular commercial programs because of time pre-emption by political broadcasts. The professional end of the music industry has never had to fight against as many impediments.

Two weeks have already gone by since the American Federation of Musicians shut down on the airing of remote sustaining bands over CBS. The loss of sustaining plugs from this source, as well as NBC, has become sort of accumulative expectation for contactmen, but when commercial programs are trimmed in wholesale lots from their list of slated performances the professional men have practically nothing to show for what might have been weeks of plug spotting.

EX-TOOTERS WITH U. S. BAND AT FORT DIX

Philadelphia, Oct. 29. Here's a peek into the near future for bandmen who will be called to the colors on M-Day. The band of the 157th Field Artillery stationed at Fort Dix, N. J., gave a concert on the stage of the Towers, Camden vaudeville last week. Among the khaki clad musikers were:

Al Oriente, former guitarist with Isham Jones; Bill Boyer, one time trombonist, with Jan Savitt; Tom Casaro, once pianist with Henry Henderson; and Forrest L. MacMullen, ex-pit violinist.

Felton, Fein With Mills

Frank Felton and Hal Fein have been added to the New York professional staff of Mills Music, Inc. Same firm has spotted Dick Lucas as manager of its Los Angeles office.

L. A. post has been vacant since Bernie Pollock was transferred back to New York early the past summer.

Band Reviews

HAROLD AUSTIN ORCH (10)

Esquire Ballroom, Buffalo

Fave among Buffalo's shufflers is Austin, onetime Meyer Davis trumpeter, who has been dispensing dance tunes in these parts for 10 years. Besides batoning, he has managed dancery at Crystal Beach, Ont., amusement spot for two years and now opens Esquire spot with his own crew, which gives out with a solid type of rhythm.

Band has four-man sax side that is standout. Two altos and two tenors achieve coveted organ-like quality and form full-bodied backing for all of outfit's offerings. On hot stuff Tenor Tony Francis sends well out of this world. In behind the reeds, which use lots of clarinet and a bass in hands of Bill Nassal are sharp, clear brass; two trumpets and trombone.

Of rhythm section, string bass is very much in evidence throughout while pianist Norm Grey serves up a whole messful of tricky piano. Entire effect is well-knit, very comfortable type of music, well-suited to medium room that holds 1,000. Acoustics aren't the best in L-shaped room but arrangement of podium, at bottom of the L, mostly overcomes that.

Arranging is in the hands of Nassal and Bobby Nicholson. Nassal is triple-threat man, who also bobs up in band's quintet. Saxist Dick Lecksell, Francis, Thrush Boots James and Bob Carpenter, holding down male solo spot, round out a easy-singing group on the order of Tommy Dorsey's Pied Pipers. Betz.

EARL MELLE'S ORCHESTRA (13)

With Nancy Gay, Tex Melvin, Turnpike Casino, Lincoln, Neb. Earl Mellen's group, carefully rehearsed, ably manned, and musically well-stocked, is one young band for which there's everything favorable to say. It is not styled after the upper brackets; it doesn't have the sound of a band just getting under way though it's rather new, and all departments stand out.

Mellen has four brass men—Joe Rizzo, Harry Jones, George Hurst and James Bock; four saxes—Val

Conte, Weddy Caruso, Vernon Lodge and Tex Melvin; and three rhythm—Jack Stern, bass; Bob Gelfel, drums; and Gordon Morrison, piano and celeste.

It's to Tex Melvin and Morrison he looks for special offerings. Melvin does the novelty, comedy numbers, in vocal style, and Morrison sweetens up all the breaks between sets by fingering the celeste. Several of the other men bring their instruments to the mike for a few shines, but normally they don't make a habit of it.

Most of the singing staff is built around Nancy Gay, a blonde with a cute pug nose and a good voice. She solos most of the time, and is best when allowed to swing out. Some of the boys fill in with her, making trios and quintets, but not often.

Mellen himself is a diminutive sort of guy, about 5 feet 4 inches tall, a friendly bandstand personality. He's a good fronter. Mellen music is quietly compelling, suave and clean-cut. Art.

JOE SANDERS ORCHESTRA

Terrace Grill, Hotel Muehlebach

Kansas City, Missouri This is homecoming in the Grill for Joe Sanders got going here about 20 years ago. Then it was the Coon-Sanders Nighthawks with Carleton Coon and Joe Sanders singing with a jazz band, something different and new in the music world. After the beginning in the Grill and some of the first broadcasts of a dance band over the air via WDAF, which still nightly airs the Grill band, it was a short jump to Chicago. Around about 1924 or '25 the pair ran into Jules Stein, an eye specialist. On business trips to Peoria and Indianapolis and other adjacent spots Stein booked the band as a sideline to his regular medic work. This sideline proved such a good thing that Stein took it up as a business (and thus MCA and its mesh of bookings all over the country was born).

After the death of Coon in 1932, Sanders left the bandstand for a while, but reassembled a band in 1935 in Chicago. This present crew is of the 1935 origination, though it contains some members of the original Nighthawks. The crew is always good to raise the take for a fortnight

or more in the Grill, and this trip is up to par.

Instrumentation is the regulation 4-4-4, with Sanders leading and singing through a hand mike at the piano. The rhythm section is rounded out with Dean Stevenson on the skins, Lenn Esterdahl at guitar, and Eddie Edwards with the tuba. Reeds include Harold Thiel, Bud Phillips, Ralph Williams and Hub Finley, musical director. Joe Richardson and Red Hodgson play trumpets, with Arnie Curvall and Rex Downing, business manager, sliding trombones.

Arranging is turned over to Stevenson and Curvall. Outfit is equipped with a girl singer, Adrienne (Lestant), who joined in Chicago after trying-out in public auditions.

The Sanders crew shapes up as suitable for hotels and clubs with full instrumentation. Some theatre work, as at the Tower next week, is on the books, but band is hardly in the class of the boxoffice draws in this department. Quin.

EDDY ROGERS ORCHESTRA (11)

With Irene Janis

Turnpike Casino, Lincoln, Neb.

Violinist Eddy Rogers, with a musical background including labors for many years with B. A. Rolfe and Mark Warnow, has an orchestra composed of name-playing members other than himself, two of them on trumpet, four with saxes, and three in rhythm jobs. As would be expected of a violinist, Rogers caters to uptown tastes, and has nothing at all for the jivehounds.

All his men are experts in their line, and in composite, frame a brand of music that would sound lullingly from the radio, or during a sit session of any kind. For the terp traffic, most of the floor skippers find it hard to discover the rhythm. This is especially true in ballrooms where the kids are more accustomed to rhythm than to melody.

Manpower is spread instrumentally spotting Irving Dahlgren and Emil Ellis in the brass section; Joe Lapone, Rex Sittig, Hal Taft, and Norman Ross, in the saxes; Jole Bush, drums; Jack Bennett, bass; and George Aton, piano and celeste. Then, of course, there's Rogers' own violin.

Joe Lapone, with comedy wigs, and Norman Ross, a straight-faced comic, specialize at the mike with funny routines, and the swell horn

played by Dahlgren is an ear-pleaser. He's featured occasionally. Irene Janis, femme charmer, is as neat with the lyrics as with looks. She and Rogers double for some solos, and the whole entertainment side of the band shapes up with nothing lacking.

Rogers is the ballad arranger, and Joe Lapone is credited with the few swingers in the store. Rogers' ensemble is a hotel prize, a barroom mistake. Art.

LES HITE ORCHESTRA (16)

Turnpike Casino, Lincoln, Neb.

Les Hite is a vet of the West Coast, who is straying inland for a winter of one-nighters. The Hite manner might pass for the subdued rhythms of his white contemporaries, except in those instances, not often, when he urges the boys on into the departures from the score which are always tickling a colored man's imagination.

Forrest Powell (brass), Floyd Turnham (reeds), Quellis Martyn (reeds), and Nat Walker (rhythm) are Hite's arrangers, and they've developed a strong library dating from the long stand by the crew on the Coast in Frank Sebastian's Culver City Cotton Club. It contains show, specialty, and straight dance tunes, as well as almost symphonic treatments of extractions from such musical exercises as 'Tory and Bear'. Later is a knockout, and is indicative of the musicianship of his big crew.

Singers are both good. T. Bone White's a tall attractive ebonyite, with voice to match. Roster includes Paul Campbell, Walter Williams, Forrest Powell, Allen Durham, Britt Woodman, brasses; Floyd Turnham, Sol Moore, Rogers, and Quellis Martyn, reeds; Frank Pasley, Oscar Bradley, Al Morgan, and Nat Walker, rhythm.

Hite is a big, stocky bantoeer, with a comfortable, affable face, which booms most of his introductions. Physical appearance of the band is good, outfitting upper class, and ability plentiful.

Over other colored bands, Hite has adaptability to the smaller rooms and intimate places; as well as the big halls, because of both library and control. All his music is easy to dance to, and his volume is highly flexible. Art.

RAY KEATING ORCHESTRA (10)

With Penny Pryor

Belvedere Hotel, Baltimore

Latest entry into Belvedere, town's only spot attempting out-of-town band policy, Ray Keating, provides a fine example of the purpose at hand. Consisting of three saxes, two trumpets, two trombones and a straight rhythm section of piano, bass and drums, out essays a subdued style, syncopation rather nicely attuned to smart clientele attracted to this, Baltimore's classiest hostelry.

Besides handling intros and announcements, Keating pitches in with a Clyde McCoy type of trumpet, slightly off the cob but okay enough for the doings at hand. Makes a nice front and handles stick in straightforward style.

Arrangements, employing a nice handling of muted brass are smartly mixed up for change of tempo and mood. Boys all pitch in with vocal support and contribute suitable solo licks. Femme vocalist, Penny Pryor, sells a song with good vocal equipment and pleasing personality.

Keating has held up the okay biz consistently with weekend and solid turnaways. Has a good horn combination. Burn.

TESTING DIFFERENCE

Percentage-Wise Probe on Name Vs. Non-Name Bookings

Fiesta Danceteria, New York, combination cafeteria-ballroom, has temporarily suspended its name band policy during weekdays in an experiment to determine how much difference name bands or the lack of them will mean at the b.o. The place is operating with three non-name groups at the moment and is booking name outfits on Sundays only, having Louis Prima down for this Sunday (3), Jack Teagarden the following week (10) and either Bob Chester or Mitchell Ayres Nov. 17.

Spot is trying out the policy under the thought that it gets natural play no matter what bands it advertises and that the difference in draw at the b.o. isn't commensurate with the hike in the operating budget when a name band is on tap all week. Phil Edmund, a Portuguese swing band leader, Guy Grando, and Don Caballero's rumba group is on hand currently.

Noel Weesley, a refugee in San Francisco from New York, now conducting stop-and-go rhumba and conga nights at Cliff hotel Tuesdays and Hotel Claremont, Berkeley, on Fridays. Don Kaye's band provides the throbs in latter spot with Ernie Hechscher batoning at Cliff.

Music Notes

Jack Scholl and M. K. Jerome clefted 'Love Me,' to be sung in 'Footsteps in the Dark' at Warners.

Chet Forrest and Bob Wright, doing the music for 'Blondie Goes Latin' at Columbia.

Bronislau Kaper scoring and handling the musical direction on Metro's 'Dr. Ephraim McDowell.'

Alfred Newman wound up his scoring chore on 'The Mark of Zorro' and to work on 'Chad Hanna' at 20th-Fox.

Paul Metz assigned to supervise the tune sequences on 'Penny Senerade' at Columbia.

Jack Scholl and Moe Jerome clefted two songs at Warners, 'Love Me for Footsteps in the Dark' and 'What Does It Take?' for the briefie, 'Take the Air.'

Jule Styne and Sol Meyer sold 'Poppin' the Corn' to Republic for use in 'Barnyard Follies.' Another ditty bought for the picture is 'Lollipop Lane,' by Fred Rose and Johnny Marvin.

Mario Castellanova-Tedesco joined the music staff at Metro.

Gregory Stone assigned as musical director of 'Her Father's Daughter' at Monogram.

Edward Kay clefted two songs for Monogram's 'You're Out of Luck.' Ditties are 'Swingin' on Sancola' and the title tune.

Max Steiner doing musical backgrounds for 'Santa Fe Trail' at Warners.

Louis Gruenberg signed for the score of 'Flotsam.'

Frederick Hollander doing the background score for 'South of Suez' at Warners.

Mills Music, Inc., has acquired the publishing rights in Peter Tinturin's musical accompaniment to Lincoln's Gettysburg Address, also the 'Concerto for Clarinet,' which Artie Shaw has recorded in the Fred Astaire picture, 'Second Chorus.'

Edward Ward doing the musical score for 'Mr. and Mrs. Smith' at RKO.

Lud Gluskin finished scoring job on 'Li'l Abner' at RKO and started work on 'Scattergood Baines.'

William Lava joined Mills Music Co. as arranger.

Johnny Burke and Jimmy Van Heusen composed 'African Elude' for Paramount's 'Road to Zanzibar.'

Roy Webb scoring 'You'll Find Out' and 'Kitty Foyle' at RKO.

Victor Young bicycling between Columbia and Paramount, doing musical compositions for 'Arizona' and 'Virginia.'

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VOCALISTS	ELLA FITZGERALD	JOI II CUCI	HEIT MIET	MOE HITE	INOI SOPI
RECORDS	★ ELLA FITZGERALD	ILNOI IMMI	BOII BIIO	MNN JOHI	SOTA BOY

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TELL BANDS TO HOLD MSS.

15 Best Sheet Music Sellers

(Week ending Oct. 26, 1940)

God Bless America	Berlin
Ferryboat Serenade	Robbins
Blueberry Hill	Chappell
*Only Forever ('Rhythm on the River')	Santly
Shout, I Am an American	Mercer
Maybe	Robbins
Trade Winds	Harms
*Our Love Affair ('Strike Up the Band')	Faist
Call of the Canyon	Shapiro
We Three	Mercer
When the Swallows Come Back	Witmark
He's My Uncle	BVC
*Down Argentina Way ('Down Argentine Way')	Miller
I'll Never Smile Again	Sun
There I Go	BMI

*Filmusical

Urge Over-Age Musicians Help Organize Industrial Plant Bands

Philadelphia, Oct. 29. A novel plan to find employment for 'over age' musicians in defense industries has been evolved by Local 77, American Federation of Musicians, and if proven successful may be tried by the union on a nationwide basis. What to do with the thousands of musicians who have been thrown out of work by the elimination of small symphony units, brass bands, and the like, has been a vexing problem to the AFM. Most of these men are middle-aged and too old to learn new trades. Their joblessness has been a drain to the treasury of virtually every union local.

Under the arrangement, now still in the formative stage, a committee has been set up, composed of industrialists, interested in music, big-name musicians and social and civic bigwigs, to canvas plants now in the midst of a boom in the manufacture of defense products.

Operators of these factories will be asked to find work of the unskilled type for these musicians. In return

the bandsmen would organize orchestras in each plant to play during lunch hours and at other occasions as a 'morale and patriotism builder'. Eugene Ormandy, conductor of the Philly Orchestra, has accepted the post of 'musical advisor' of the job-finding committee. He has agreed to help organize inter-plant bands, rehearse them, and in some cases act as conductor on special occasions.

The bandsmen will help train employees who play musical instruments and form orchestras in different parts of the factory. Several important factory owners approached thus far have expressed wide interest in the idea.

The stunt had a counterpart during the World War when patriotic bands played in many plants in this area and employees recited the allegiance to the flag during lunch periods.

Erskine Hawkins band go back into the Savoy Ballroom, New York, Nov. 21 for indefinite stand.

TUNE BACKLOG MAY BE NEEDED

General Amusement Advises Its Leaders That Any Compositions Reaching Them From Musicians or Outsiders Should Be Kept Free of ASCAP-BMI Tangle

OTHER ASPECTS

General Amusement Corp. is advising its band leaders to hold on to all the manuscripts that are submitted to them by either their own men or outsiders instead of turning over such compositions to publishers. The advice is prompted by the probability of a break between the networks and ASCAP. GAC figures that the bandmen ought to store all the original tunes they can for clearance on the networks should the schism occur. It also sees no reason why the leaders shouldn't take such an opportunity to cash in on the publishing or phonograph record money that might accrue once those numbers became popular on the air by these leaders' own efforts.

One of GAC's bandmen that has already acted on this advice is Glenn Miller. Miller is the owner of the Mutual Music Society, which his lawyer, David Mackay, incorporated in Albany some weeks ago. Mackay at the time declined to disclose his principal in the incorporation of the publishing firm.

The confusion which has started to develop over the impending locking of horns between radio and ASCAP has brought to the surface more than ever the latent ambition of the average band leader, and that is to become a music publisher. The average band leader is of the opinion that it is his fame and style that lifts a number into a hit and there is no reason why he shouldn't make his own songs instead of doing it for music publishers.

Some leaders have already begun to accept and copyright any sort of manuscript turned into them. It is this huge widening of manuscript sources that radio stations expect to cause them plenty of headaches in event of an ASCAP break. To avoid piling up infringements radio will have to check for copyright clearance with the source of every number.

CBS TO CHARGE WIRE PREMIUM

CBS has reconciled itself to the loss of guaranteed revenue from the sale of pickup lines to band booking offices, starting Jan. 1, and proposes to charge spots using the lines a special service fee in addition to the regular line toll. The details of this fee have yet to be worked out. Columbia also intends to reduce the amount of time devoted to sustaining band pickups.

The ban against continuance of the line buying arrangement by booking office was issued the week before last by James Petrillo, head of the American Federation of Musicians. It has been intimated by Columbia that it will not hold the Music Corp. of America to the agreement which commits that booking organization to pay a minimum CBS \$50,000 a year for such lines.

Four members of Eddie Ufer's band, now at the Cocoon Grove, Toledo, O., have been playing together for 12 years. They are Larry Walk, Steve Kreiner, Dick Gardell, and Eddie Ufer, Jr. Eddie Ufer, Sr., and Ufer, Jr., are only father and son band combination in vicinity.

Bands at the Boxoffice

Band	Hotel	Weeks Played	Covers Past Week	Total Covers
Eddy Duchin	Waldorf (500; \$1-\$1.50)	1	850	8,170
Ray Heatherton	Biltmore (300; \$1-\$1.50)	8	175	1,325
Sammy Kaye	Commodore (650; 75c-\$1.50)	1	1,600	3,200
Ray Kinney	Lexington (300; \$1-\$1.50)	24	1,400	31,200
Kay Kyser	Waldorf (400; \$1-\$1.50)	0	800	1,800
Guy Lombardo	Roosevelt (500; \$1-\$1.50)	3	850	4,000
Abe Lyman	New Yorker (400; 75c-\$1.50)	2	1,350	3,950
Glenn Miller	Pennsylvania (500; 75c-\$1.50)	3	1,700	5,535
Tony Pastor	Lincoln (225; 75c-\$1.50)	4	950	2,150

* Asterisks indicate a supporting floor show, although the band is the major draw, 13 days.

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No. 1 in Radio Performances!

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Lyrics by Mack Gordon Music by Harry Warren

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CABIN IN THE SKY

Albert Lewis - Vinton Freedley Production

Lyrics by John Latouche Music by Vernon Duke

"Perhaps CABIN IN THE SKY could be better than it is, but this correspondent cannot imagine how... At the present moment this theatre-goer has never heard a song better sung than TAKING A CHANCE ON LOVE... Ethel Waters stood that song on its head last evening and ought to receive a Congressional medal by way of reward... Vernon Duke has written racy music... John Latouche has composed crisp and jaunty lyrics."

BROOKS ATKINSON
N. Y. Times

"Vernon Duke has contributed music that can rise to such pleasant heights as TAKING A CHANCE ON LOVE... After Miss Waters' singing of TAKING A CHANCE ON LOVE, everything seems like an anti-climax."

JOHN MASON BROWN
N. Y. Post

"There is, for instance, a vigorous and rather striking score by Vernon Duke and some good lyrics by John Latouche... In particular, a song called TAKING A CHANCE ON LOVE, as brilliantly presented by Miss Waters, is so gay and charming that one hates to think how the radio is certain to go to work on it from now on."

RICHARD WATTS, Jr.
N. Y. Herald-Tribune

"...and it boasts two songs, among others, that are likely to stand at the top of all popularity lists far, far into the winter... Most of them (audience) went out humming TAKING A CHANCE ON LOVE."

SIDNEY WHIPPLE
N. Y. World-Telegram

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Night Club Reviews

TERRACE ROOM, N. Y. (HOTEL NEW YORKER)

Belita, Cliff & Rona Thael, Ted Meza, Gordon Leary and Marion Flaig, Mark Plant, Joe Bailey (43); Abe Lyman, Devo (19), Ray Herbeck, Ed Holly, Francis Parrish; \$2 minimum dinner, 75c, and \$1.50 cover.

Abe Lyman is carrying the Hotel New Yorker's Terrace Room this session, a reverse of the usual wherein the ice show has been the topper almost all the time in the past two sessions. The ice revue, credited to Boots McKenna for staging, holds plenty of good things in it, yet it lacks in composite. Paradoxically, the starred Belita is perhaps the best female element yet seen in this hostelry's portable ice rink; and furthermore McKenna has instilled more legmanism showmanship than normally into the regular routines. It's none the less a repeat, with talent, ranging from Belita, through Cliff and Rona Thael, with their Spanish waltz; to Ted Meza, eccentric comedian in bulk, doing risky-looking spins and twists on the runners; to Gordon Leary and Marion Flaig with their own brand of equally effective tricks on the ice.

The negative aspects are that corky collegiate opener, the six gals truckin', peckin', shagin', etc., each representing some school, with Belita as the center of the show. Chi and the finale tribute to Ziegfeld, with the "Three Musketeers" motif, segueing into a "Stars and Stripes" whoopla. The fore and aft let down what might be termed as unfold, in between. Belita's own whirlwind ballerina solo is a stand-out, as is almost everything that this blonde skating star does. The line is limited to four girls augmented only by Rona Thael and Marion Flaig for the opener and closer, and they deport themselves well. Notably their Spanish can-can routine sets the stage nicely for the Thael's Spanish waltz specialty.

Mark Plant, of nice carriage, good conferencing ability and excellent voice, is almost wasted here with the simple "announcer" component of the podium, save for a snatch of song. Plant, incidentally, should be traveling faster than this spot, no matter the worth of his contribution to the ice revue which he holds together so well.

Lyman's Californians dispense socko dancsation, per usual, and are an unquestioned draw to the New Yorker. The "Hugo Mart" formula notably attract a galaxy of the town's male talent for a bite and a bend. It's the top gross-earner for the spot. Monday the "Hugo Mart" night, when the relief band of the week fills the void.

CLUB BALL, PHILLY

Philadelphia, Oct. 19. Sally Rand unit with Mabel Nelson, Harger and Hugo Mart, tinelli, Archie Robbins, Stan Ross, Valva Valentino, Gabriel Padney, Line (14); Allen Fielding Orch (9); Juanita Rhumba Orch (6); minimum, \$1 weekdays; \$1.50 Saturdays.

This show is called Sally Rand's unit, but La Rand is seen only briefly, coming out with her omnipresent fans for a two-minute stint in the finale of a 50-minute show. The customers lured inside by the promise of a glimpse of the lady who made three stars famous get just that—a glimpse—and no more.

The rest is a pot-pourri of everything from opera to low-down bumps-and-grinding. It all adds up, however, to something different in the line of nifty entertainment in staid old Philly.

Lead off is a Mabel Nelson and her dog show, 25 pups of different breeds, each led on the floor by one of the line, dressed in costume to match the canine's nationality. Best part of the act are the trained Scotties.

Harger and Mayo from the line in Viennese dance number that's gracefully executed, but a little on the drawn-out side. Hugo Mart tinelli has a powerful tenor with a wide range that's more in keeping with a concert hall than a crowded night club. He gives out with bits of opera, including the laughing aria of "Pagliacci," an Irish ballad, and then an imitation of an operatic star going swingeeroo. The last number caught on.

Stan Ross, an anemic-looking duck with soulful eyes, is plenty entertaining with his impersonations of George Jessel, George Arliss, Paul Muni, John R. Rockfeller, Lionel Barrymore, Ned Sparks et al. The lad's repertoire is seemingly endless.

Valva Valentino, late of the Ballet Russe, joins the line in a conga number, a contribution to a bit confusion. While the gals are going through the one-two-three bump biz, he leaps about in something that resembles a glorified kazatzky.

Miss Rand is seen in a blue light,

covered only with a couple of ostrich feather fans which she waves widely, showing a wide expanse of epidermis. At the windup she flashes in a bright light—a daring piece of biz in Philly.

Archie Robbins smoothly handles the show, interspersing his emceeing with snappy patter and off-color rags, and generally inspiring the members of the cast. Gabriel Padney, the Rand unit's musical director, fronts Allen Fielding's band during the show. Juanita's rhumba crew plays the full music.

Biz at upper show caught was bullish. Tapes were up, but the crowd was streeted at midnight due to Sunday curfew.

Cuban Terrace Room (HOTEL STANTLER, CLEVEL.)

Cleveland, Oct. 25. Jose Armand orch (11), Ramon Armengod, and Andre Frances, Mery Catalina Rolon; \$1.50 minimum.

By re-dressing its Terrace Room in conga-rumba style, the Stantler has taken the formidable chill from the room, and pulled it out of the red to make it one of the town's must-see sights. Neither the settings nor Cuban entertainment is very expensive, but both are sufficiently vivid and unique to corner the well-heeled set that take to a new fad. Strictly speaking, it's Latin American atmosphere in decor, combining palm trees, statues of Mexican people, sketches of Havana life and a dash of South American in its murals. A little hedge-podge but it's all a tasty, different dish, highly seasoned by Jose Armand's Latin crew.

White-tied and urbane, Armand splits his repertoire evenly on rhumba and American rhythms. He serves up latter unciously, accenting a rich downbeat for the conservatives. Ensemble throws off its wraps and really lets loose when it goes native, making it sound like another band. Although sometimes too noisy when the bongas and maracas are booming, Armand styles his numbers imaginatively and stays on the melodic side. It's taken a long time to get the town rhumba-minded but even impresario Gene Kelly, a bit doubtful at first, was surprised to see how few hoovers walk off the floor when the crew steams up the rhythms.

One reason for that is Catalina Rolon, dynamic bongas-pounder and a robust-lunged singer, who has an engaging knack of wheedling clients into the conga parade around the floor. Lola and Andre, whose troupe of six whips off fiery Cuban dances with a smart sophistication, also do a good duty in this respect. Livest fun comes when they pick out rishiders to join them in hip-shaking gyrations which keep room from ever becoming lethargic.

Ramon Armengod, billed as Mexico's Bing Crosby, and erroneously sings Mex ballads with a voice of exceptional clarity, but seems to lack personality. Pose too dignified, which is what this spot is trying to get away from. Frances Miller steps up to mike with fairly pleasant pipes during the American and session, restricting herself to Tin Pan Alley ballads. Revue could stand some strengthening, the atmosphere's being the biggest draw there.

Cocoanut Grove, L. A.

Los Angeles, Oct. 22. Dr. Giovanni, George Tappes, Hal Kemp's Orch (15); cover, \$1.50 Tues. and Sat., \$1 other nights.

There's a touch of the old class that used to grace this palmed grotto in the current entertainment setup. Also in evidence on the break-in is the dinner-jack crowd at the tables, one of the best-dressed openings the inn has had in a long time. It reminded of the lush days when black ties were standard equipment for a Saturday night at the Grove.

On the stand for the next eight weeks is Hal Kemp's crew of smooth dancsators. George Tappes in the lead, and in proof of his popularity, Dr. Giovanni, with his nimble-fingered larceny are out front for a neat mixture of light diversion. Kemp is well liked by the picture and social elite and in proof of his popularity, floor space is at a premium for leg stretchers when his baton falls. He gives out with a changing library of dance tempos and that dissipates any male excuses for sitting out the evening. Even his rhumbas had a full floor of shufflers and that's an oddity hereabouts. Once they start shaking, he goes gourd the egress is generally on but near the main to make little within popular bounds and avoids the heated extremes.

Giovanni's lifting of watches, walling and wearing apparel is a novelty hereabouts, but how it works out is a bit confusing. He worked on four subjects, two of them patently stoozy. From a table he dragged out Lynn Spencer, society ed of the L. A. and made two subjects graciously to having his suspenders removed

without his knowing. He and the others gave up wrist watches and pocket pieces unwittingly to his slick maneuvers. From one chap he removed a vest without the necessity of first slipping off the coat. He keeps up a constant chatter while working, clean and dignified all the way.

Tappes gives a poetic flourish to his swift tapping and goes over the floor like a dervish. He steps through a fire dance, numbed slows the tempo to a conga, twirls through a rhumba, waltzes "Merry Widow" and encores with an imitation of a vaudeville hoover. Begged off from the Bolero, saying it was his most difficult number. A sleek turn that's a natural for this estab.

Club Charles, Balto

Baltimore, Oct. 26. Walter Donahue, Dean and Martin, Dolly Reckless, Three Ric-Tic-Girls, Chester Doherty, Fanny Foyettes (6), Johnny Pickard and Elaine Pfeiffer, Roy Kyser Orch (6); \$1-\$1.50 minimum weekends.

Club Charles is an attempt to provide a nifty leaning heavily on floor diversification in the swankier part of town hitherto speckled only with intimate cocktail lounges and plush toad acoustics, the effort is well intentioned but not figured for outstanding click.

Utilizing a raised floor for two shows nightly and dancing, club boasts a circular bar and an additional low balcony. Visibility is far from good and a direct from street doors is another shortcoming which interferes with any possible warmth so necessary to type of policy attempted.

Walter Donahue, flowery-worded emcee, paces the layout in rather stereotyped manner. Opens with line of six in Scotch routine which serves to bring on Dolly Reckless for an after-dinner act. Followed by a flashy series of nippus. Followed by Dean and Martin, personable ballroomers who contribute some okay lifts and spins.

Tic-Tic-Girls, singing trio, are next with vocals and interpolated chatter, rather innocuous and possibly handicapped by spot's poor sound system. Do a medley of collegiate tunes, followed by a private secretary bit, rather meaningless.

Line follows with an Hawaiian bit of grinding after which Miss Reckless returns for a novel interlude of high-kick stuff in which she duces some okay magic. Bit in which she mouths razor blades and thread, then emitting them threaded, is good for a rousing sendoff.

After Dean and Martin in a tango, Donahue takes over for a vocal of "You Can't Brush Me Off," followed by some hectic hoofing. Contributes three short routines, ending with a score effectively in line closes with reintroduction of principals after which hobby horses are brought out for audience participation, funny but a killer for the club on the top of the drawn-out business ahead.

Music for show and dancing nicely supplied by Roy Kyser combo of six. Leader contributes pleasing vocals throughout. Policy is \$1 and \$1.50 minimum on weekends only. Some improvement could be made in handling of rope and general floor management.

CHEZ PAREE, CHI

Chicago, Oct. 25. Robinson Twins, Lee Sims and Hymay Bailey, Paul Draper, Carmen Miranda, Eugene Ball, Emile Coleman Orch, Don Orlando Orch; \$2.50 min. Sat. and Sun. \$3.50.

The Chez Paree has constantly kept a high standard of service, and for this reason, there can be no real complaint against the current show though it indicates a need for variety and especially comedy. But the attempt to give a topnotch show is there and there is no question about the quality of the acts themselves.

There are four acts, two dance and two sing, which makes a little too much singing and a little too much dancing. Carmen Miranda, in town for her second night club appearance and she still indicates a good boxoffice ability. With the background of her appearance in the flicker, "Down Argentine Way," she rates general recognition, and there is no doubt of her vitality on the floor. She is a lively vocalist with plenty of exhilaration in her work. Her dynamic style is effective here and she scored well with this mob.

Paul Draper, standard in the Chez and, as ever, a clean-cut smash with a fine aura of class and flash, Draper has improved his handling of an audience. In a room occasionally noisy Draper would do well to put a note near the main to make certain that the entire audience is able to hear the accompaniment of David LeWintner.

Opening are the Robinson Twins. They do a few usual. A certain cinch on appearance, the couple clinch their turn with an entertaining array of hoofology. They try and do anything in the dancing line and make no exception. Lee Sims and Hymay Bailey are in

On the Upbeat

City of Warren, Ohio, plans to fight for its right to a \$150,000 music hall at Packard Park, and the income from a million-dollar trust fund to maintain a band, bequests in the will of the late W. D. Packard.

Horace Heidt drawing reported \$1,250 for his University of California inter-frat ball date at the Palace, San Francisco, Saturday (2).

Neal Bondshue's band opens at the Sir Francis Drake, Frisco, about Nov. 5.

Horace Henderson booked Wednesday (30) into Roseland Ballroom, Buffalo, for one-nighter.

Bob Armstrong orch played for Auto Show in Memorial Auto, Buffalo, last week.

Roy Eldridge, colored trumpeter, sat in with the Gene Krupa band in place of the ailing Sherry Cherok on a record date last week.

Rex Stewart, Duke Ellington trumpeter, signed by Bluebird to turn out sides with a small combo from the Ellington band. He did same thing on Columbia's Records Vocalion when Ellington recorded for that outfit.

Teddy Powell signed his new band to record eight test sides for Bluebird label. Powell's group, currently at the Famous Door, New York, is signed for the Flatbush and Windsor theatres, N. Y., weeks of Dec. 26-Jan. 2.

McFarland Twins band leaves Blue Gardens, Armonk, N. Y., for theatres and one-nighters Nov. 17, being replaced by Dean Hudson.

Glenn Miller shifting trumpet section constantly, trying to settle on new men. Zeke Zarchy one of those out.

Jerry Wald band started first date in New York last night (Tuesday) at Childs' Spanish Gardens.

Charlie Barnett, Oct. 27; Bob Chester, Nov. 3; Cecil Golly, Nov. 17, and Ray Herbeck, Nov. 24, one-nighters at Ritz Ballroom, Bridgeport.

Ray Noble orchestra extended again at Palmer House, Chi, until Jan. 15, 1941. Set to replace on Jan. 16 is Eddy Duchin orchestra.

Don Armando's rhumba band opened indefinite engagement Thursday (24) at El Chico, Pittsburgh, replacing the Chano Hernandez outfit.

Baron Elliott, went into Bill Green's Casino, Pittsburgh, Monday (28) for four weeks with options, succeeding George King.

Nelson Maple has checked in at Yacht Club, Pittsburgh, for limited stay, with Teddy King moving out for string of one-nighters.

Herbert Fritzsche followed Joe Villella outfit into New Penn, Pittsburgh, Monday (28) for month's stay.

Leighton Noble has had option picked up at William Penn Hotel's Chatterbox, Pittsburgh, for four additional weeks.

The Rollickers, instrumental trio, have moved from Hotel Carter, Frisco.

Somehow of a spot here. Underbilled here they have to work hard to make the most of their act. Miss Bailey had a particularly tough struggle of it but Sima held up the turn with his exceptional novelty tune-tinkling at the piano.

Fred Evans' production numbers continue to be the hit of the show. chorus has distinction and beauty. Show accompaniment is a tough job for the Emile Coleman orchestra, which is probably underbranded to give full strength to some of the really difficult music that Evans and other turn uncork here. But what Coleman's band lacks in playing the show it makes up on the dancsation, which is consistently fine.

Don Orlando orchestra, sharing the bandstand, does a splendid job in keeping the dancers happy.

Cleveland, to the Hendrick Hudson, Troy. Boys have broadcast on NBC.

Bud Waples orchestra in Arabian Supper Club, Columbus, for indefinite stay, replacing Paul Decker.

Phil Dooley's orchestra has come from the Palmer House, Chicago, to the Hillcrest Hotel, Toledo.

Red Norvo will be at the Trion Ballroom, Toledo, O., Thursday, Nov. 7.

Johnny Kleinsinger, tenor sax man with Robbie's Revellers, playing at Regina's Silver Dell, is doing his 30 days compulsory military service in the Canadian army. Keith Moyer is relieving.

Erskine Butterfield band open Friday (1) for a week at Hollywood restaurant, Bridgeport.

Bob Chester one-nighters Sunday (3) at Ritz Ballroom, Bridgeport. Jimmie Lunceford in Nov. 10; Cecil Golly, Nov. 17, Ray Herbeck, Nov. 24.

Woody Herman opening at the New Yorker hotel, New York, definitely set for Dec. 20.

Al Jordan, trombonist with Gene Krupa, handed in notice. He'll return to Cincinnati to work in radio studio band.

Phyllis Miles, from Nat Brandwynne, now singing with Will Bradley's band.

Herbie Holmes replaced Ray Herbeck at Log Cabin, Armonk, N. Y., Monday (28). Herbeck had been there since early last spring.

Tiny Hill's first stand in the east in some time takes him into Donahue's, Mountain View, N. J., Nov. 8, replacing Cecil Golly.

Carroll Dexter replaces Louanne as vocalist with Terry Shand's band. She was once with Jack Harris London.

Sid Harris and his crew now in at the Wheatley Hills, Wheatley Hills, L. I.

TWO QUIT DANCE BIZ FOR RINK ORGANS

Cleveland, Oct. 29.

Tommy Hopton and Chet Ryers, each of whom batoned dance outfits hereabouts for more than a dozen years, are getting rid of band headaches by forming an organ duo. Two ex-bandmasters started new partnership on the Hammond organ and Novachord Sunday (27) by launching Evan Day's new Bedford Glens Roller Palace. For 40 years it was operated as a dance hall by Day, deposed as a Chicago ballroom owner who turned it into a wooden-wheel rink when the hoofing biz began dropping. By a coincidence it was this dancery that gave Ryers' original crew its first date, while Hopton's orch was the one that played for its swan-song dance.

Art Music Boffs Buff

Buffalo, Oct. 29.

Opening of Kleinhans Music Hall, city's first long-horned spot, has been a bonanza to promoters since doors were swung wide two weeks ago. S.R.O. sign has been hung out for all affairs so far.

First to play it was Alec Templeton, two nights after opening. Crowd nearing 3,500 attended, some 500 above hall capacity. About 300 seats were placed on stage and rest stood for pianist-wit's concert which grossed more than \$6,000 for Canisius College, its backers. Considered remarkable because this was Templeton's second visit here year.

Next to come in was Eunice Shapiro, local-born violinist, and husband, cellist Victor Gottlieb. Audience was too large for hall's chamber music room holding 800, so show was moved into the main auditorium.

Marian Anderson, Negro contralto, comes in tonight (29). B.o. has been sold out since last Thursday.

Central Labor Union Endorses Philly AGVA in Its Battle with Kelly's UEA

Philadelphia, Oct. 29. The American Guild of Variety Artists yesterday (Monday) enlisted the aid of the Central Labor Union in its fight against the encroachment of Tom Kelly's Independent United Entertainers Assn. The CLU, which seated AGVA local executive secretary Lee Traver and Lea Litomy, organizer, as delegates a month ago, sent letters to nitery owners and agents asserting that AGVA was the only authorized bargaining agent in the field as far as the CLU is concerned. The CLU is composed of all unions affiliated with the American Federation of Labor in Philly and vicinity.

The letter, signed by Frank Burch, CLU secretary, was sent to counter-argument by Kelly and his group that AGVA would not have the cooperation of other AFL unions in the event of a showdown between the UEA and AGVA. With their standing in the labor field thus strengthened, AGVA officials are starting a drive to sign closed shop contracts with niteries and hotels. Negotiations have already been started with owners of sight of the leading downtown spots, Traver said. As soon as these are signed up the campaign will be spread to all parts of the city and suburban road-houses.

Meanwhile Kelly was going ahead with plans reorganizing the UEA, which has been lying dormant during the time that he was executive secretary of AGVA, from which he was ousted last month by the national AGVA board. A meeting of the UEA board which includes eight former AGVA board members, will be held tonight (Tuesday) to plan strategy. A general membership meeting will be held Friday (1) at an undisclosed place at which Kelly will divulge his plans for a "battle to a finish" with AGVA.

Kelly scoffed at the effect of the CLU letter. "They're at liberty to send letters to whom they please," he said. "But cafe owners have to do business with the organization that can supply them with entertainers." Kelly claims that the bulk of the AGVA membership has deserted the union and will join with his indie outfit.

MAESTRO SILVA TURNS TALENT AGENT IN RIO

Romeo Silva, Brazilian bandleader in that country's pavilion at the New York World's Fair for two years, will turn talent agent on his return to Rio de Janeiro, going into partnership with Harry Kosarin, American ex-actor, who has been south of the border since 1916 and has represented U. S. music publishers there the past few years. Silva, however, will continue his band work along with agency duties.

First major account for the new partnership is exclusive representation of Fanchon & Marco talent and lines of girls for South American dates. Contact signed last week is a reciprocal one. F&M in turn reping Silva-Kosarin acts in the U. S. Silva sails back to Rio from New York Nov. 2.

Tiny Bradshaw outfit, recently organized, signed to Moe Gale management. Booked for week Nov. 29 at Apollo theatre, New York.

Lafata of Blossom Heath, Detroit, in Bankruptcy

Paul F. Lafata has listed a voluntary petition in bankruptcy in Federal court here, both for himself and as Blossom Heath, famed lakeshore nitery here. He listed no assets for Blossom Heath, which for years has been one of Detroit's showiest spots, but listed personal assets of \$3,450 and liabilities of \$6,489.

The club, after being dark all last year, reopened this season with shows, and twice ran afoul of the law, having its liquor license revoked on charges of permitting gambling. In the latest raid it was charged the place permitted liquor sales without a license, and its reaplication for one was pushed back on the list.

SEE 4A'S NIXING AGVA PLEA FOR 2½G

American Guild of Variety Artists, which is trying to borrow an additional \$2,500 from its sister unions in the Associated Actors and Artists of America, appears to be up against a stone wall. AGVA's president, Dewey Barto, and Hoyt Haddock, national executive secretary, appeared for a plea to the Four A's Monday (28), but it's unlikely that any coin will be forthcoming from that end, the Four A's itself being broke.

It'll be up to the individual unions to lend AGVA the cash, but Equity last week signified unwillingness to advance more monies to the vaudeville union. AGVA already owes Equity around \$27,500, most of which was advanced during the fight with the stagehands in the summer of '39, and another \$30,000 to the Screen Actors Guild.

One argument advanced by AGVA to Equity to substantiate another loan is that Equity and Screen Actors Guild might be tossing away nearly \$60,000 unless AGVA is supported and kept functioning until it starts operating in the black. Some in Equity, however, don't like the internal situation of AGVA and are of the opinion the legit actors' organization may be throwing good money away if making additional loans.

Several months ago AGVA put through some economies in operation of the union nationally. Salaries were cut and personnel eliminated, but the variety union is still operating in the red. Another economy measure is now in force, i.e., that all branches of AGVA must hold their operating costs down to 60% of their income.

New Frisco Rink

San Francisco, Oct. 29.

New \$300,000 ice rink will be opened Friday (1) in Berkeley by G. Nash. Full two-hour ice show will be presented first three days, after which place will be opened to public for skating.

Arthur Linkletter will m.c. the show.

Walters Back at Old Scale, Carroll Reopens

Hollywood, Oct. 29. Earl Carroll reopens his nitery Thursday (31) as a result of an agreement with his striking waiters, whose walkout closed the spot last week.

Waiters go back to work at the old scale of \$2.50 per night, with a promise of arbitration within 30 days on their demands for \$3.50.

Philly Nitery Ops Raising 50G Fund To Fight Curfew

Philadelphia, Oct. 29. Nitery owners and taproom operators are reported to be raising a \$50,000 war chest to fight the State Liquor Board and the police, staging a double-header drive to enforce the Saturday night curfew with a staggering blow to biz.

The fund will be used for the purposes of launching a lobbying drive to get legislation passed to liberalize the Sunday closing law, extending it at least a couple of hours so that Saturday night shouldn't be a total loss. Under the present law, sale of liquor and entertainment must cease at the stroke of midnight Saturday.

This gives niteries and taprooms only about an hour of biz, since customers don't start arriving until after 11 p. m., after theatres let out.

Meanwhile, the Liquor Board continued its blitz yesterday (Monday) by ordering the suspension of the liquor licenses of the Little Rathskeller, owned by the Kaliner Bros. for 60 days, and the Cadillac Tavern, for 90 days. Both are accused of selling booze after the Sabbath curfew.

The Kaliner's other Broad street bistro, the Club Ball, paid a \$300 fine Friday (25) in lieu of a 30-day suspension. Saturday night was another blackout in the night club sector, as uniformed police and plainclothesmen made the rounds to see that bars were shutdown at 12 p. m. sharp.

SETTLE SUIT ON 'HELLZ' TAG

Olsen and Johnson's suit for \$250,000 against Al Borde, Chicago producer, and Benny Meroff, cover leader, over the title "Hellzafre," was settled last week without exchange of coin. Borde-Meroff get the right to use the present title of their unit, "Funzafre," but must say "Hellzafre" in earlier settlement had been made pending trial of the suit which permitted Borde & Meroff to continue operating the nut unit, in which Meroff appears, under the "Funz" tag.

Both sides took care of their respective counsel fees.

Merry Macs Share Chi Palace With Templeton

The Merry Macs go into the Palace, Chicago, week of Nov. 15 as part of the stage show headlining Alec Templeton.

Harry Norwood set the radio trio.

Disinterest Apparent in N.Y.'s AGVA; 85 Out of 600 Paid-Up Members Vote; Nat'l Officials Seek to Pep Union Spirit

Billy Jackson in Deal For Luna Park Show

Billy Jackson has closed a deal to put a nostalgic-type honkytonk into Luna Park, Coney Island, N. Y., next season. Spot will be operated along the lines of Billy Rose's Barbary Coast at the N. Y. World's Fair.

There'll be a sawdust show, band and mammoth bar, but Jackson isn't definite yet on whether there'll be dancing space for the customers. Stated that Rose also was after the spot, but Jackson got there first.

CHI FLOORSHOW SPOTS IN BIG UPTURN

Chicago, Oct. 29.

Nitery business has taken a sharp turn for the better in recent weeks. While the strict exterior with a small band for occasional dancing have not experienced any real upturn, the floorshow spots have surged forward.

These include such spots as the Chez Paree, Empire Room, Blackhawk, College Inn, Walnut Room, Marine Dining Room, Camellia House, Hi-Hat, Colosimo's.

No logical explanation for this sudden decision on the part of the public to flock to the niteries, but whatever the cause the nitery owners are finding it like old times. While there's no sign of the old-time spending by any good-time Charlie, the cafes are more than satisfied with the volume of business.

Hold 2 St. L. Nitery Men For Attacking Girl, 15

St. Louis, Oct. 29.

Christ Kalaidge, manager of the Golden Dragon Club, downtown nite spot whose liquor license was revoked several weeks ago, shutting the place, and Michael Sarkin, employed by another downtown nitery, were judged last week on a charge of criminally attacking a 15-year-old girl who formerly was employed as an entertainer in the Golden Dragon. Bail was denied both men.

Kalaidge is accused of attacking the girl in his club after closing hours and Sarkin is charged with luring her to his hotel room. The girl was witness against Kalaidge, testifying to the disorderly manner in which the place was conducted and also that liquor was sold after closing hours.

Endor, Farrell Split

Miami, Oct. 29.

Chick Endor and Charlie Farrell, former stage team, and lately co-owners of Fort Lauderdale nitery, have split.

Endor will continue to operate the club, while Farrell goes to sea with America Cruise Lines.

Last week's election of officers for the New York local of the American Guild of Variety Artists saw a total of only 85 votes cast, which is little more than 10% of the paid-up membership of that branch. Pete Wells, formerly v.p. of the union, won the presidency in a contest with Jimmy Hollywood (Radio Rogues-'Hellzapoppin'). The margin was five votes, 45 to 40.

Failure of the local's membership to take a greater interest in their union is a bitter disappointment to some of the harder working national officials. It was also evident to the latter that little discrimination was used by those voting, judging from some of those who were elected and acknowledged to be unimportant in the variety field.

There's believed to be 600-odd paid-up N. Y. members. Balloting was done chiefly by mail and there was an election meeting scheduled at the Edison hotel early last week (22), but a quorum (10% of the local's membership) failed to show up.

Some of the national officials are now mulling steps that will not only straighten out the N. Y. local, but also hypo interest in the union in general. One thing likely to generate more 'patriotism' will be the signing of an AGVA deal with the N. Y. vaudefilms. 'Pact has been okayed by virtually all the theatre ops, but the signaturing has been delayed by Major L. E. Thompson's (RKO) illness and some minor changes.

What the other AGVA 'reforms' will be is being kept secret, but it's expected that some of the N. Y. local officials will be asked to resign, or else.

ORCHESTRA HALL, DET., BECOMES VAUDFILMER

Detroit, Oct. 29.

Dark since the Detroit Symphony Orchestra left it more than a year ago, Orchestra Hall here, in the mid-Woodward section, will open as a first-run picture house early in November. Renamed the Town, its initial offering will be 'Pastor Hal,' to be placed on a double bill.

A group of Detroit business men, headed by Joseph D. Brown and Maurice Dater, with Sam Carver as the manager, plan to play vaudeville along with pictures.

Stanley, Pitt, Shopping For Consecutive Shows

Pittsburgh, Oct. 29.

Looks like Stanley, WB deluxer, will keep going with shows for at least a few consecutive weeks after vaude is resumed Friday (1) with tab version of George White's 'Scandals.' George Jesse's unit has already been booked in to follow on Nov. 8 and Harry Kalmine, WB zone manager, is currently in New York trying to line up enough shows to last at least until early December.

House has been on a straight pix policy continuously since last spring, except for one week in September when Mickey Rooney played here and hung up a new all-time house record.

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OPENING TOMORROW (October 31)
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ED SULLIVAN:
Daily News—"Chandra-Kaly dancers at Ben Marden's Riviera are terrific and different."

TED FRIEND:
Daily Mirror—"We wish to point to Chandra-Kaly and his dance."

two dancers, at Ben Marden's Riviera, as the newest luminaries of importance to come into the night life scene. In our 10 years of getting around we do not recall ever having watched so subtle and supple a unit of dancers, spirited, authentic and colorful as these. . . . Anent the Chandra-Kaly Trio, we are prepared to bet more than a hat that they will be starred in a Broadway musical comedy before the coming season is over.

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ANTI-VICE DRIVE SHUTS OHIO VILLA

Cleveland, Oct. 29.

Anti-gambling crusaders, police raiders, and newspaper's clean-up campaign preceding elections were too strong a combo for the Ohio Villa, the No. 1 nitery of this county, which folded up last week after trying to run four days without music, floorshows and keno.

Maurice Spitalny's orch was forced to spend a layoff week here as a result of the sudden shutdown. Owners of the swank casino are heading south for the winter. George Jessel's unit originally was skedded for Oct. 9, but negotiations were called off.

Folding of the Ohio Villa leaves this county minus a deluxe gambling joint for the first time in nearly eight years. Both the Thomas Club and Harvard Club also went dark this month, forcing the heavy spenders to go outside Cuyahoga County to find any big-time spots with wheels and entertainment. Exclusive Mounds Club across the line is still going full blast. Armida and Sid Prussins's crew topping its show, but may shut down temporarily during elections.

F-M LINE SET

Fanchon & Marco has set another line of girls in a house it does not operate. Latest is Fay's, Philadelphia, which gets 16 F. & M. girls starting Nov. 14.

Besides the N. Y. Roxy, F. & M. lines are current at the Earle, Washington, and Hipp, Baltimore.

2ND HIT WEEK ON BROADWAY!

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George Tyson to Go On Tour With 'Icecapades'

Pittsburgh, Oct. 29.

George Tyson, for last nine years head of publicity and advertising for Harris Amusement Co., has been granted a leave of absence to go on the road this season as managing director of the new rink revue, 'Icecapades of 1941'. Show's tour starts here at Gardens Nov. 4 and will wind up on Coast next spring.

Understood that Tyson has also bought into 'Icecapades', which is owned by Arena Managers Assn., headed by John H. Harris, chief of local theatrical circuit bearing his name. During Tyson's absence, Ken Hoel, his assistant, will be in charge of Harris advertising. 'Icecapades' engagement here is being billed as a world preem, although revue has already played Atlantic City, New Orleans and Philly.

Frances Hall, Mistaken For Thieving Maid, Sues For 10G on False Arrest

Cleveland, Oct. 29.

Frances Hall, singer at Chateau Club, filed suit against Mr. and Mrs. Harry Aaron and their son, Jerome, demanding \$10,000 damages for a false arrest that occurred three weeks ago.

Warbler said she was taken into custody by Detective Martin A. McFadden and accused of robbery while sitting in a hotel cocktail bar with two friends. Driven to a pawnshop, she further claims she was first accused by Mrs. Aaron and the son of being their former housemaid who had stolen several hundred dollars worth of furs and jewelry.

"They forced me to walk up and down the store, laugh and talk, examined my hair and even my teeth, but released me when young Aaron said it was all a horrible mistake," Miss Hall said.

Detective later denied that he grabbed her by the arm forcibly, or that he even mentioned the word 'robbery' when he asked her to accompany him for questioning.

DANCER'S \$50,000 SUIT FOR LOSS OF HER LEG

Detroit, Oct. 29.

Charging that her professional career as a dancer was destroyed, Jan Smith has started suit here for \$50,000 damages for the loss of her right leg. The suit is against Mrs. Eleanor Wilkes, whose car jumped the curb, pinned the young dancer against a building and whose injuries required the amputation of the leg.

The youngster, who had made appearances in night clubs here while still in school and will summon professional opinion that she had a future in show business to bolster her claims of a ruined career, testified that even her preliminary engagements 'earned enough to pay for all my clothes and dancing instruction.'

New Act

With Marjorie Weaver, Kay Aldrich, Mary Healy, Mary Beth Hughes
Talk; Singing
20 Minutes; One
Fox, Detroit

There's still a static quality, but potentialities which will be sharpened in the turn here, to this troupe of youngsters from 20th Century-Fox under Elsa Maxwell's wing. Girls are all widely enough known, have charm that registers easily over the footlights, gab gradually is growing sharper under the whetstone of an audience and Miss Maxwell has a saltness that catches attention readily.

Peter Lind Hayes should continue to work ahead of the troupe, as he did here, for his satiric sketches of Hollywood personalities lend interest to the stunts following. He may even be incorporated into their turn since it would break up the monotony of too much gab, with too little point.

The best bet and shining light of the act is Miss Healy who has something to offer. Her distinctive song style, not aping other singers, registers with an audience extremely well. She probably will be worked farther back in the act since her slick piping makes the other youngsters' efforts in this line amateurish. Next best for audience response was Miss Maxwell's nif-naw about parties she has tossed which catches femme interest. Neatly-dressed and eye-filling, the others are satisfactory but will click better when the material is better tailored to the audiences.

Pool.

PITT PASSES UP RHUMBA CRAZE

Pittsburgh, Oct. 29.

Rhumba craze isn't catching on here in cafe belt as expected. As a result the market for conga rhythms locally is closing up. Nixon Cafe is first to do away with its Latin-American Ovando band, which closes a two-month engagement Saturday (2). In future, spot will use only one orch, Al Marsico's outfit. Tony Conforti, Nixon's operator, claimed not more than a couple of couples a night would get up to rhumba to Ovando's music, with result that small crew had to switch almost immediately to American tunes.

Several other spots which had contemplated installing extra rhumba outfits have already dropped the idea. Only place where it's going over is El Chico, new spot recently opened by ex-barker Joe Sala, but that is strictly a cafe español.

Cafe ops. pointing out that there may be enough trade to keep one nitery going with that kind of entertainment and music, but that they don't mix in local spots with strictly American atmosphere. That thought seems to be borne out in Nixon's experience.

Plus Other Grief, Bad Checks Plague Reider

St. Louis, Oct. 29.

Three bad check ghosts, nine-years-old, arose last week to plague Sam Reider, vet showman here, who has been trying for more than three weeks to reopen the Schubert-Rialto, in midtown, with burlesque. Opposition of the clergy of two churches near the theatre, the faculty of the nearby St. Louis University, a Jesuit university, and the reluctance of city fathers to give the go ahead signal is arousing considerable interest in amusement circles here.

Last week a curious cop at police headquarters thumbed through the record files and found a 'wanted' card against Reider dated Dec., 1931. Three employees of the old Gayety theatre (burlesk) complained that Reider, then manager, had given each of them a \$10 check which was returned from a bank marked 'insufficient funds.' Detectives nailed Reider at his office and booked him on 'suspicion of passing worthless checks.' Reider said he did not have a clear recollection of the incident, but he does remember that the funds of the theatre were pretty low at that time.

Teddy Wilson and Fletcher Henderson, and trumpeter Red Allen were part of the band Benny Goodman took to Lehigh U, Bethlehem, Pa., past Saturday (26). Outfit drew close to 800 couples at \$4 a pair.

Sonny Barkas Broke

Voluntary petition in bankruptcy was filed by Sonny Barkas, office manager for theatrical producer Walter Batchelor, in N. Y. federal court Monday (29). Barkas lists no assets, but liabilities totaling \$17,479, of which \$5,000 is owed Batchelor on a loan.

Another creditor of Barkas, who declared he earned \$500 a year for the past two years, is Cuban Fruit Import Co., \$9,100. This involves a court action against Barkas by an outfit for which he was agent in Cuba.

Lincoln Dickey, 54, Dies of Heart Attack; Originated Aquacade

Lincoln Griffith Dickey, 54, who was actually responsible for the Billy Rose Aquacade shows at the Cleveland and San Francisco expositions and the New York World's Fair, was found dead Friday (25) morning in his New York apartment. He had been stricken with a heart attack and had died instantly, doctors state, late the night before.

Dickey had been colorful personality. His associate, Peg Humphries, who had feared for Dickey's health for years, had made it a habit of calling him every morning when he was away from his Cleveland home and living alone. She had continuously warned Dickey about his heart and her concern was heightened when he failed to answer the phone Friday morning. A check with the doorman revealed that Dickey had not been seen that morning, so Miss Humphries phoned the building superintendent to use a pass key to enter the apartment. He found Dickey lying on the kitchen floor, fully dressed, and told Miss Humphries, who was holding the phone to hurry over. He had evidently died while reaching into the refrigerator for a midnight snack.

Dickey had just completed a strenuous three days in a Jamaica, L. I., court as witness in a law suit directed against Billy Rose by an advertising man. The suit was dismissed, so Dickey and Arthur Garfield Hays, Rose's attorney, went to Dickey's apartment for a gabfest and a game of chess. When Hays left later that evening, Dickey appeared to be in the best of spirits and health.

Hired Rose for Cleveland

It was Dickey, then head of the Cleveland Exposition, who engaged Billy Rose to stage the first Aquacade in the second and final year of the fair there. Dickey had a comparatively small water show at the expo the first year, but then got the idea of having Rose, who was then operating the Casa Manana at the Ft. Worth, Texas, expo, to combine the Casa Manana production effects with an aquatic entertainment. Quite different from the N. Y. and Frisco Aquacades, the Cleveland show had a restaurant-bar adjunct and dancing facilities for the customers on a stage that rolled in on tracks set on the bottom of Lake Erie.

Dickey was associated with Rose in the future Aquacade production in N. Y. and Frisco, estimates of his percentage ranging as high as 10%, plus a high salary as general manager. His income was considerable and he carried a very large amount of life insurance, frequently telling Miss Humphries that this was the way he was saving and insuring a sizeable amount of money for his family in the event of his death. He is survived by his widow, a son, Dr. Lincoln C. Dickey, and two daughters, all of Cleveland.

Prior to becoming general manager of the Cleveland Expo, Dickey was one of the originators of the Chataqua movement, had been manager of the City Auditorium, Cleveland, and Convention Hall, Atlantic City.

Funeral services were held in New York Sunday (27), with burial in Cleveland the following day.

BURLEY OP BIDDING FOR CLEVE. MAYFAIR

Cleveland, Oct. 29.

George Young, burley producer and operator of the Roxy, is bidding for Loew's Mayfair Casino, formerly known as the legit Ohio, with intentions of reopening it as a burlesque house. Young is offering local Loew's office \$25,000 rental yearly, plus 5% percentage for the 1,800-capacity theatre, which has been dark since the Mayfair's last lessors went bankrupt three years ago.

Bid is the fourth received by Charles Raymond, Loew's division manager here. Although some adjacent merchants are opposed to a burley house being set up in the heart of Playhouse Square, the theatrical sector, Young's offer to redecorate and repair the badly run-down house is making it sound attractive to building owners' rep.

Another proposition being sidered by Raymond comes from Paramount Pictures, which would like to have a downtown outlet in Cleveland to give its first-run product a better break. Drawback in this case is reported to be the fact that Loew's would have to pay for rehabilitation of the theatre itself, and owners are reluctant to build up a film emporium that would be potentially injurious to its own stands.

Bouche Hunting Nitery Talent in So. America

Miami, Oct. 29.

Albert Bouche arrived here this week en route to South America, where he will line up a revue for New Year's opening of his Villa Venice. Herebefore, Bouche has imported talent from abroad, but the war influenced junket to Rio and Buenos Aires with view towards locating number of continental turns now refugees there.

Decision to spring Villa Venice week earlier is indicative of feeling here that the Orange Bowl game mob will get season in gear immediately after Xmas. Villa Venice is oldest nitery in this area.

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Large department store in metropolitan area requires the services of 4 clowns, one barker, 1 Santa Clause, for a period of five weeks—November 22 to December 24. Answer by letter giving details. Box 25, VARIETY, 154 W. 46th St., New York.

PETCH AND DEAUVILLE

Rhythm Stylists

JUST COMPLETED TWO WEEKS ROXY, NEW YORK
Opening October 31st RKO, Boston, in

'STREETS OF PARIS'

Personal Management O. L. OZ

LOEW'S STATE, N. Y.

[illegible]

• 15 YEARS AGO •
(From VARIETY)

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Evelyn Dawn	Art Cutlip
Joe Dierdorf	Hotel Hollenden
Job Copi	Samuel Watkins
Out Thurn Ore	Rex Weber
	Florida & Boyette
College Inn	Hotel Statler
Ivy Barron Ore	Joe Morand Ore
Edna S. & Val	Roman Arnehold
Fredde's Cafe	Carlina Rabin
Art Lacey Ore	Joe & Edde's
Gaia Gayle	Johnnie, Robert
Turner & Miller	Boys Sherman
TIP Top Ore	Arline
Renee Larks	Cuba Club
Edna & John	Ramon Arlas Ore
Gourmet Club	Lindsay's Bar
E. Robinson Ore	Ray Haysor
Lee Bartell	Judy Preston
Four Hobbies	Mound's Club
Bill Johnson	Va Pruslin Ore
Hotel Alerton	Arline
Grant Wilson	Shirley-Seven Club
Marilyn Maynard	Paul Shandy
Hotel Carter	Frances Paul
Versatillians	Pat
Bob O'Neil	Paula & Dick
Hotel Cleveland	
Paul Penbury Ore	

Plays Out of Town

The White-Haired Boy

Comedy in three acts, by Charles Kaufman and Beatrice Kaufman, directed by George Abbott, with setting by Donald Deming. Presented by George Abbott, Inc., Broadway, Boston, Oct. 28, 40.

Miss Titch..... Ruth T. McDevitt
Fela..... Helen Hayes
Shmeka..... Helen Hayes
Barrie..... Helen Hayes
Delaney Ann..... Helen Hayes
Hester Bloom..... Helen Hayes
Mordant Somnolite..... Helen Hayes
Miss Stevens..... Helen Hayes
Daniel O'Neil..... Helen Hayes
Tony..... Helen Hayes
Herman Samuels..... Helen Hayes
Rinny Field..... Helen Hayes
Mr. Jeno..... Helen Hayes
Dorothy Darling..... Helen Hayes
Walter..... Helen Hayes
Missie..... Helen Hayes
Summer Allen..... Helen Hayes
Milton Storm..... Helen Hayes
Arl..... Helen Hayes
Mr. Knopis..... Helen Hayes
Stanley Schmebeler..... Helen Hayes
Mr. Moser..... Helen Hayes
Mr. Muloney..... Helen Hayes
First Girl Scout..... Helen Hayes
Second Girl Scout..... Helen Hayes
Third Girl Scout..... Helen Hayes
Fourth Girl Scout..... Helen Hayes

George Abbott faces a tough test in making his production of 'White Haired Boy' a hit. It's too much to expect, but he might make it count with fundamental rewriting and some recasting. At any rate, the piece needs more rehearsal and playing to give it the speed and freshness usually associated with Abbott shows.

He has brightened it with a few fifty eight gags and skillful direction of farcical situations. The main, the whole production strains for effect and some of the actors seem to be impersonating other actors they have caught in previous Abbott comedies. The production of Charles Martin and Beatrice Kaufman serves up some gems of satire and cynicism, but their chief characters are too much like the redundant caricature of an unorthodox playwright dazzling his satellites with flamboyant egotism is bitter and boring. There is sufficient evidence to support the rumor that they are poking Saroyan and Odele, both wrapped up in one package, and it's obvious that they are annoyed by some Hollywood big shots, but the audience suffers most.

All action transpires in a flossie New York apartment set, with Keenan Wynn as the dizzy genius feeding on his sanity and the actress his devoted comrade, the 'Theatre of Freedom'. An 18-year-old Hollywood femme star chases him across the country and her prize is the chase. The clash between the genius and the film executive is far below expectations.

Wynn is out of his element in the serio-comic starring of 'Kapote', the genius, but the funny side were stressed both Wynn and the show would look more like winners. Betty Garde sells like a million when she has a smart line for her sharp-tongued character of the worldly actress; and Sonya Stokowski is equally commendable in the contrasting part of the sweet girl who seeks romance in the diffused aura of her hero-genius. Philip Loeb, Marshall Bradford and Edith Van Cleave raise praise for their work. Fox.

NIGHT OF LOVE

New Haven, Oct. 24.

Musical play in three acts (eight scenes) adapted by Howard Lindsay and Playwright. Musical play in three acts (eight scenes) adapted by Howard Lindsay and Playwright. Musical play in three acts (eight scenes) adapted by Howard Lindsay and Playwright.

Madri Linen..... Marjorie Gainsworth
Rudie..... Marjorie Gainsworth
Hazel Hand..... Marjorie Gainsworth
Count Albert De Groat..... Marjorie Gainsworth
Kella Vago..... Marjorie Gainsworth
Anor..... Marjorie Gainsworth
Lisel..... Marjorie Gainsworth
Marceline Sangre..... Marjorie Gainsworth
Young Man..... Marjorie Gainsworth
Rudy..... Marjorie Gainsworth
Walter..... Marjorie Gainsworth
Rubero..... Marjorie Gainsworth

This one shapes up in the 'maybe' category. Possessing some definite assets, it's going to require considerable skill to build them into successful entertainment. Although the foundation is a prize for some possibilities, this latest Shubert musical try can be developed into pleasant, if not exciting, diversion. It is lower than the average of the sophisticated, particularly from the music angle, and can hope to survive only on the 'intimate' basis.

Several things require revision before this show can hope to land. First is the matter of selling. The show is bathed in a musical, with emphasis on this point. Psychological result from an audience standpoint is a decided letdown when play evolves with only a small cast, no chorus line and a single dance routine. A better approach would be to sell the play angle and let patrons feel they are getting a baker's dozen by having some nice music and vocalizing throw in.

Its outstanding weakness at the moment is in the dialog department.

There just aren't enough laughs to lift the story to a level equal to the score. Result is that audience becomes bored during numerous verbal sequences and has a tough time rousing itself to appreciation of the fine melodies when they come. The music does not lend itself to particularly hilarious situations, thereby placing the laugh burden on the lines. These lack sparkle until late in third act, which is too tardy. Humor is not meant to be of the bellylaugh variety, but more than an occasional chuckle is needed to weld the dialog to an excellent score. As the reverse is true, with the music holding together a rather flimsy script. In respect to writing, Leigh's lyrics far surpass his comedy dialog. Night is an adaptation of 'Tonight or Never' in which Helen Gagan appeared on the stage some years ago and Gloria Swanson did the film version.

In his first stage effort since coming to America last April, composer Robert Stolz (Viennese refugee) has done a capital job. His tunes are not only melodious, but they are excellently conceived in the mood of the production. Various songs are used not only vocally, but also are prominently injected as musical backgrounds for a number of spoken scenes. The technique, though not new, is off the beaten path of the straight musical.

Score gives out a nice aria, 'My Love', early in the show, a number that offers good vocal opportunities for two femme cast topers, Marjorie Gainsworth and Helen Gleason, supposedly competing for an operatic role. A peppy ditty titled 'Chiquito' is dumped onto the stage without rhyme or reason, as it has nothing to do with the general proceedings. Theme song, 'Tonight or Never' represents fine writing. Two hit possibilities, 'The One Man I Need' and 'Without You', fail to register their best due to a vocal angle, former requiring transposition into a higher key, latter suffering from ineffectual voice on male rendition. Score in general should make the rounds regardless of what happens to the production itself.

Helen Gleason, as Nella, displays a fine voice in the upper register, to which her numbers should be confined. Also shapes up promisingly from this angle and looks attractive. Marjorie Gainsworth, though in excellent voice, gave a somewhat unconvincing performance. Following the preeminent Miss Gainsworth's role was taken over by Martha Errolle, who gave a more animated interpretation of the part and whose vocal talents were satisfactory. Marguerite Namara, playing an operatic has-been, registers nicely in songs and repartee, but is unimpressive as a young and attractive for an 'ancient' whose years require an 8-30 curfew every evening. John Lodge, though weak vocally, has a nice personality and polished delivery.

Cast supporters who do well are Robert Chisholm, as a count, and Harrison Dowd, Nella's accompanist. Frank Hornaday is on briefly with a pleasing vocal rendition, and boy-and-girl team, Jack Blair and Melissa Mason, provide a show-stopping bright spot with an eccentric song. Production looks to have been handled inexpensively, which is one thing not in its favor, but Watson Barratt has managed to create some attractive sets. Lighting is particularly good and staging is okay, considering shortage of material.

PYGMALION

(RUTH CHATTERTON)

Washington, Oct. 29.

Revised in three acts of comedy by George Bernard Shaw; starring Ruth Chatterton; presented by Harold J. Kennedy in association with J. J. Addiss and Hayden Rorke; directed by Auriel Lee; sets by Lemuel Lyons. At National, Washington, Oct. 28, 40; \$25 to \$75.

Clara Fynsford Hill..... Eleanor Wilson
Mrs. Fynsford Hill..... Myrtle Tannehill
Fred Fynsford..... William
Saracine Bystander..... Arthur Gilmour
Helen Doolittle..... Hayden Rorke
Colonel Pickering..... Ruth Chatterton
Mrs. Pearce..... Margaret Moffat
Miss Llewellyn..... Richard Tomlin
Mrs. Higgins..... Richard Tomlin
Maid..... Verna Royton
Tommy Atkins..... Richard Bowler

Ruth Chatterton drew herself a solid hand on her return to local stage. As the first of Shaw's 'Pygmalion' here last night, but applause was largely a personal welcome-back to a star. Enthusiasm for the production was guarded for transcontinental tour.

Audience obviously was out to compare show to the highly praised Wendy Hiller-Leslie Howard film version, and lobby chatter tended to give the new production a good cop-lit lineage satirizing 'middle-class' morality still makes amusing listening, but much of it is definitely dated. As Chatterton does it strictly in the Shaw mood and mimics the part with emotional wallop. Legit version also lacks the fine scenes of Eliza's speech, but among the choicest bits in the film. (In at one she speaks like a 'guttersnipe' and in Act

Two like a 'duchesse'—you imagine how it was accomplished. Chatterton wins her audience completely as the snippy little flower girl. Her refusal to allow Eliza over to become completely the duchess even outweighs however dissipates Eliza's impact in acts two and three.

Barry Thomson's interpretation of Higgins, the phonetics expert, develops as a deliberate smart rather than as merely a thoughtless professor, further minimizing the emotional undercurrents and entirely ruling out the film's climax—Higgins' emotional capitulation—even by implication. Eliza's triumphant threat to set herself up as a rival phonetics teacher establishes her as a person to be respected in Higgins' eyes, but he never loved anybody in his life—and you gather he isn't about to start. Chatterton dominates the stage throughout, to the extent that there is a distinct letdown during her infrequent absences. Thomson, within the character as he conceives it, is excellent. Higgins is a man of every laugh count as Alfred Doolittle, Eliza's papa, self-styled 'member of the underservice' for Dennis Hooey, as Col. Pickering; Higgins' housekeeper, and Alice John, as Mother Higgins, head, the rest of the letter-perfect, if uninspired, supporting cast.

Two major sets, Higgins laboratory and Mrs. Higgins' drawing room, are well appointed.

Yiddish Play

SUNRISE

Musical comedy in two acts and prologue; book, Abraham Blum; music, Joseph Rumshinsky; lyrics, Samuel Pines. At the Yiddish Theatre, New York, Oct. 27, 40; \$25 to \$75.

Pharaoh's Daughter..... Charlotte Goldstein
Miriam..... Goldie Pomerantz
Jocheved..... Marjorie Alva
Priestess..... Marjorie Alva

Rabbi Itzhak..... Irving Nonikman
Chasid..... Chasid
Count Carl..... Edmund Zayenda
Helen..... Paul Kildin
Nobility..... Judith
Countess Julia..... Rose Greenfield
Rasha..... Thelma Rabinowitz
Simcha..... Seymour Rechtzeit
David..... Ben Aushatz
Martha..... Charlotte Goldstein
Tahireh..... Orla Lilith
Sarah..... Esther Field

It's been some seasons since Yiddish legit has had a musical of sufficient zest to command attention, but in 'Sunrise' Second Avenue has come up with one of its more sprightly tenants. Aided by excellent Joseph Rumshinsky music, some of which can vie with his best, and an imaginative libretto by Abraham Blum, this far production by the Yiddish Theatre emerges as one of the boxoffice successes of the season.

Blum's transition of the story of Moses with one of modern-day Hungarian aristocracy, has had its varied forms of telling, but Blum's writing, Rumshinsky's music and the splendid cast headed by Ludwig Satz, Orla Lilith and new comedienne, Judith, American stage, Edmund Zayenda, shroud the oft-told story with its poignant drama.

A prolog that tells of Pharaoh's command to slay newly born Hebrew infants, the subsequent concealment of the infant Moses in the bullrushes and his subsequent adoption by Pharaoh's daughter when she finds the baby, as such, he gives the modern story. The latter deals with the secret switch of a Jewish infant by a Hungarian noblewoman to her infant child in the Egyptian court. The latter deals with the secret switch of a Jewish infant by a Hungarian noblewoman to her infant child in the Egyptian court.

The leading roles of the two babes grown to manhood are handled excellently by Ludwig Satz, as the impetuous, and Edmund Zayenda, as the young baronet who ultimately learns of the heritage that permits him to wed his Jewish sweetheart.

It's all done in the typical Yiddish lachrymose, but the partial comedy laughs as inserted by Satz. The latter's performance is among his best. The portrayal is one that could easily be overplayed in the hands of a lesser actor, but the proper shading. Latter has interpreted the role more in the comedy vein, though the part in script keynotes the tragic element. As such, he gives the musical necessary comedy without which the entire production would suffer.

Miss Lilith, as the Jewish sweetheart of Zayenda, contributes her own fine performance, which Zayenda, formerly star of the Polish Yiddish stage, and in this country only a short time, emerges as the most promising matinee idol of Second Avenue in the past few years. His acting is agreeable and he fills a tune engagingly. His dark looks should win the favor of the ladies. Her performances are turned in by the same actress, Thelma Rabinowitz and Rose Greenfield, among others.

Satz has staged and kept the show moving at a brisk pace, while Michael Sussman, as the Egyptian prince, is a little out of a few months' time, but the limit any good play runs here.

Plays on Broadway

CABIN IN THE SKY

Colored cast musical comedy in two acts, presented at the Martin Beck, N. Y. City, 40, by Albert H. Smith in association with Vinton Freedley; book by Lynn Root; lyrics by John Lauchlin Curran; music by John Lauchlin Curran; costumes designed by George Brown; sets by George Brown; \$30 to \$50.

George Brown..... Katherine Dunham
Dr. Jones..... Katherine Dunham
Brother Green..... Katherine Dunham
Petunia Jackson..... Katherine Dunham
Lester, Jr..... Katherine Dunham
Little Joe Jackson..... Katherine Dunham
Imps..... Katherine Dunham
Lew's General..... Katherine Dunham
Pleasant..... Katherine Dunham
Judge..... Katherine Dunham
First Henchman..... Katherine Dunham
Second Henchman..... Katherine Dunham
Third Henchman..... Katherine Dunham
Fourth Henchman..... Katherine Dunham
Messenger Boy..... Katherine Dunham
Domino Johnson..... Katherine Dunham
J. Rosmond Johnson..... Katherine Dunham

Musicals have been the strength of the season so far on Broadway and this new show, which has earlier arrivals, looks good enough to be rated among the better diversions. 'Cabin in the Sky' (first called 'Little Joe') is colored cast fantasy, sort of musical 'Pastures', but 'Pastures' was blessed with comedy, but the giggles are only laughs. New show essentially here and there. Resemblance is in a messenger from hell and his opponent, the Lawd's general, who eventually wins out.

Strongly in favor of 'Sky' is the stellar Ethel Waters, songstress, comedienne and dancer. Waters, Dunham's dancers form an odd group. In a hell scene they contort in the manner of dervishes, but in the safe scene they are in action first with white girls, then with black and then the better known 'boogie woogie'.

There is a fight in the cafe and the bad man, who slashed Joe before the show, is slain. Waters, Dunham's dancers form an odd group. In a hell scene they contort in the manner of dervishes, but in the safe scene they are in action first with white girls, then with black and then the better known 'boogie woogie'.

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Play Abroad

MUJERES

(Women)

Madrid, Oct. 15.

Three-act comedy (15 scenes), by Clara Booth, adapted and presented by Maria Paz Molinero Company; produced by Herrera and Valeriano Leon; playing, Burman, at the Alcazar, Madrid, 11 top.

Maria Paz Molinero..... Maria Paz Molinero
Silvia..... Maria Paz Molinero
Crystal Allen..... Maria Paz Molinero
Marina..... Maria Paz Molinero
Miriam..... Maria Paz Molinero
Juana..... Maria Paz Molinero
Baby Marjilla..... Maria Paz Molinero
Mrs. Morehouse..... Maria Paz Molinero

The Madrid newspaper, 'Alcazar', writes: 'As in many other things, Americanism has defrauded us in the theatre.' This obvious reference to 'Women' was to be expected, and would have been only too just had the product as presented been the handiwork of Clara Booth.

The truth is that it isn't another example of Americanism that is disappointing, but what has been done to the original play is. It is quite obvious that it could never have been presented in its original version. Samuel Ros, in adapting it to Spanish audiences, had to bear in mind the Spanish temperament, the Spanish censorship and the Spanish character. The result is a sweet sentimental whole in which goodness triumphs over evil. As presented, it is not a cynical, hard-boiled get-your-hands-merged-in-the-plot, but another argument against divorce.

Maria Paz Molinero and her mother, are the only two competent actresses in the cast, but the former lies in the makeup of the Spanish theatre. Here, never-changing theatrical companies give plays, and unlike the American, French and British theatre, it is next to impossible to get an all-star cast. The result is that each company boasts of a good male and a good female lead while the remainder is just fill-in. This is the case of the Molinero company as it is of other companies. All the young ladies with the exception of the two mentioned lack stage presence, and the moments are decidedly awkward. Catrinas Moron point out very good as Maria's baby daughter.

The play was well received by this audience. It is overlong, but should have a run of a few months, which is about the limit any good play runs here.

Irish sweepstakes. The white uniformed missionary from heaven can't do much about it and in the last act Joe and Georgia Brown are celebrating in John Henry's cabaret and dice table.

Into the place comes the goody Petunia, now doped up and raring to go. She's intent on getting her half of Joe's sweetpaste hoodle and to have a good time. In the first act the audience buzzed when Miss Waters did some stepping, but here the rejuvenated Petunia goes to town in a big way. After singing 'Swanath' she gives a little 'The Savage' and it just about captured the house.

In this interlude, too, Katherine Dunham, the high yaller Georgia Brown, does her stuff. Miss Dunham's dancers form an odd group. In a hell scene they contort in the manner of dervishes, but in the safe scene they are in action first with white girls, then with black and then the better known 'boogie woogie'.

There is a fight in the cafe and the bad man, who slashed Joe before the show, is slain. Waters, Dunham's dancers form an odd group. In a hell scene they contort in the manner of dervishes, but in the safe scene they are in action first with white girls, then with black and then the better known 'boogie woogie'.

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'TIS OF THEE

Revue in two acts (24 scenes), with lyrics by Alfred Hayes; music by Alex North; choreography by Esther Yung; additional music and lyrics by David Gregory; Peter Barry; costumes designed by Carl Kent; musical direction by Alex Sarono; presented by Nat Lichtman, at Maxine Elliott, N. Y., Oct. 26, 40; \$20 to \$30.

From Camp Union, where the International Ladies' Garment Workers' Union members spend their vacations and where that organization's 'Pins and Needles' was born, comes this new intimate revue, 'Tis of Thee'. Except for its birthplace, this show has nothing to do with 'Pins and Needles' or the ILGWU. It's similar to 'Pins' in manner and style, however, and no so altogether along the lines of 'Strawhat Revue', a summer camp creation of last season.

Few of the people connected with 'Tis of Thee' are familiar to Broadway. Most of the material and cast appear to have been gathered at Camp Union, but, in an effort to bolster the show, a couple of numbers have been added from other sources. Two are from the intimate revue, 'Two Weeks with Pay', which was tested at White Plains, N. Y., last summer and has been announced for Broadway. Also a dance team seen around the New York night clubs, Cappello and Beatrice, has a single spot, which, though badly staged, is one of the better bits of the show.

Like all semi-pro revues, 'Tis of Thee' lacks sharpness and finish. Several of the songs come near to being 'The Singing for the Stars' sketches, also approach professional level, but they invariably lack edge and bite. In the same way, there is something appealing about the freshness and earnestness of the young company, but they are not talented or experienced enough to put across such light and warring material.

Some of the better song numbers include 'What's a Mamma Thing', 'After Tonight', 'Noises in the Street', 'Tis of Thee', 'You've Got to Have Something to Sing About When You're Fresh', and 'Tomorrow'. The first, which provides a rousing first-act finale, could be turned into an inspiring radio number, as was 'Ballad for Americans', from the Ethel Waters 'Sing for the Stars' album. Jane Hoffman points out a Helen Hokinson-like lady prison reformer; Jack Berry and Mervyn Nelson add emphasis to sketches about 'The Singing for the Stars' and 'Life Magazine' photo-always 'George'.

Rave.

(Continued on page 58)

Flock of New Producer Combos Evident on B'way This Season

More than the usual number of the managerial combinations are noticed this season, some recognized producers who have been putting on attractions solo having teamed up for one or more ventures. In addition, there is an increased number of young showmen identified with summer stock who are invading the Broadway field.

Gilbert Miller, who usually produces on his own, is interested in at least two attractions, with others. He owns a 50% interest in 'Twelfth Night' (Helen Hayes-Maurice Evans), which opened out of town to high promise and which is billed as presented by the Theatre Guild in association with Miller. He will participate similarly in 'Delicate Story,' a Ferenc Molnar play, and in that instance the billing will be Gilbert Miller in association with Vinton Freedley. Miller is listed to do 'Peep Show' without a partner.

Freedley, who also usually solos as a manager, is also in two combinations, the other being a three-way partnership with Horace Schmidlapp and Richard Krakauer. The trio are in on 'Cabin in the Sky,' colored fantasy which opened at the Beck Friday (25). At least two others, Albert Lewis and Martin Beck, are in on that show.

The young Cincinnati Schmidlapp has another producer setup consisting of Joseph M. Gaites and Lee Shubert, for the presentation of new plays at the Copley, Boston. First play, 'Boyd's Daughter,' opened and closed quickly on Broadway. Second Copley show, 'Return Engagement,' opens at the Golden, N. Y., Friday (1), while the third, 'Here Today,' opened in Boston Monday (28). Play was put on in summer stock and only one week of rehearsal was required. It is really a revival.

One of the newest combinations is Lawrence Schwab and Otto Preminger, who start with 'Beverly Hills.' Others include Alex. A. Arons and Robert Ritchie, who will do 'Hi, Ya, Gentlemen,' Phil Baker and Leonard Sillman, with 'All in Fun,' Kermit Bloomgarden and Elia Kazan, who have 'Hot Nocturne,' Day Tuttle and Richard Skinner with a revival of 'Charley's Aunt' (current); Marie Louise Elkins and Clarence Taylor with 'Blind Alley' revival (current).

Gertrude Lawrence Won Golden Dispute By One Vote In Record Hearing

Something of record in the length of time devoted to a contract dispute was set by Equity council in a windy session last week, when the difference between Gertrude Lawrence and John Golden over the termination of her contract for 'Skylark' was decided in her favor—by one vote. Significant that four councilors are in the play—William David, Glen Anders, John Emery and Edith Gresham.

Argument was that if three weeks notice was required from Miss Lawrence on Nov. 15, it would mean that much more playing time for the 'Skylark' players. But the star had contracted to report to Sam H. Harris for rehearsals of 'Lady in the Dark,' Moss Hart-Kurt Weill musical, by mid-November. Council, in discussing the matter, balanced the added time for the 'Skylark' company of around 14 players against that of 'Lady' in which more than 70 persons will be engaged.

Affidavits were introduced from Harris, Hart and Golden. Latter averred that he would turn over all his profits for the involved three weeks to the British Relief Fund, for which Miss Lawrence is one of the most active workers. Hart set forth the fact that the star's contract with Golden was discussed in detail and that he counted on getting the production started in November at the latest because of Hollywood contracts. It was further stated that Golden was invited to participate in 'Lady' and that Miss Lawrence was to be billed 'by courtesy of John Golden.'

That was mentioned to indicate that the Nov. 15 finale was generally agreed on by all concerned. Date falls on Friday, but the show will not conclude until the next night in Grand Rapids, Mich.

Equity vs. Sam Harris Will Go to Arbitration

Matter of salaries for the cast of 'George Washington, Slept Here,' Lyceum, N. Y., claimed during the layoff week occasioned by the passing of Berton Churchill, will be put to arbitration. Sam H. Harris, who produced the Kaufman-Hart comedy, contended that the sudden death of the actor was an act of God and that there should be no salary liability due to the enforced postponement of the premiere. Equity insists death from natural causes is not so claimed.

Although the council ruled against the manager it assented to the arbitration. Amount involved is around \$2,500.

Tense Politico Campaign Seen Hurting Legit

In former years show business was jittery during presidential campaign years, with boxoffices distinctly dented. Up to this week there was no such reaction, but the pyramiding intensity of the current election drive is expected to affect attendance during the final phase. That was indicated Monday (28), when President Roosevelt made his first speech in New York in several years. Address at Madison Square Garden starting around 10 p.m., was radioed throughout the country, as was Wendell Wilkie's, which followed shortly thereafter.

Most of Broadway's leaders did not seem to be affected, but attendance in other theatres dropped materially. The President will be on the air again tonight and Friday (1) and it is figured that business will be off to a greater extent. He is to make a final address Monday (4), election eve. Election nights formerly brought capacity audiences to theatres, but with the polls in New York open until nine o'clock, showmen anticipate no boxoffice surge.

This is the final week for 'There Shall Be No Night,' closing to virtual capacity at the Alvin, where it is in its 23d week, bi-sected by a summer layoff. 'Tis of Thee,' a revue from the sticks, opened at the Elliott Saturday (26), then disappeared.

Premiere of 'Panama Hattie,' 46th Street, is this week's highlight, other debuts being 'Suzanna and The Elders,' Morocco, and 'Return Engagement,' Golden. Due next week: 'Beverly Hills,' Fulton, and 'White Haired Boy,' Biltmore.

TITO SCHIPA MISSES SAN FRANCISCO STARTER

San Francisco, Oct. 29. Bad weather in Havana caused Tito Schipa to miss his first scheduled operatic appearance this season in War Memorial Opera House Monday (21). Flying up from South America for role of Don Octavio in Frisco preem of 'Don Giovanni,' tenor was grounded in Cuba and got in day late. Alessio de Paolis substituted.

Opera also proved an ordeal to Armahdo Agnini, stage director, and Jack Heavey, prop master, everyone backstage being unfamiliar with the piece and giving the boys a rough workout. Opening went off okay, however. Ezio Pinza sang title role.

2d 'People' Swings South

Hollywood, Oct. 29. Second edition of 'Meet the People,' stage revue, closes its local run Sunday (3), and goes out on a tour of the southern states.

First edition, which opened here 46 weeks ago and later moved to San Francisco, is now in Chicago, with New York as its ultimate aim.

S. F. Legit Picking Up

San Francisco, Oct. 29. Legit activity is beginning to stir again in Frisco.

Arthur Hutchinson and Arthur Ripley are breaking in 'Every Man for Himself' at the Grand Nov. 11, with Lee Tracy topping prior going to Broadway. Another new one will be 'Sunset Torch,' at Curran, Nov. 25, with Frank Craven and Sally Eilers heading cast. Cornelia Otis Skinner goes into same house week of Nov. 18.

LUNTS TO DROP ROAD AUDITIONS

Alfred Lunt and Lynn Fontanne, who go on tour next week with 'There Shall Be No Night,' will discontinue their regular talent auditions while on the road. Acting couple have been carrying on such work all the time they have been playing in New York and will resume it when they return.

Sessions are usually held a week at whatever theatre the stars are using (currently the Alvin). Beginners or young players who have not won Broadway recognition are permitted to select their own material and, with or without other players (as they wish), audition for Miss Fontanne, who sits out front with several experienced members of the Lunt troupe.

Actress gives coaching, suggestions and advice to those she thinks need and warrant it and, if they show signs of promise, they are urged to do further practicing and to return for later hearings. Those who show sufficient talent are given letters of introduction and recommendation to managements, authors and directors of the Lunts' acquaintance. Stars also use as many of the youngsters as possible in their own shows, several in 'There Shall Be No Night' having been cast that way.

Although they have been doing the auditioning for months, the Lunts have not publicized their activities in that regard. Principal motive in that is to avoid being mobbed by aspiring thespians.

Mpls. Dailies Nix 'Road' Paid Ads When Catholic Women's Group Beefs

Minneapolis, Oct. 29. The Minnesota Council of Catholic Women here tried in vain to induce the mayor to prohibit 'Tobacco Road' this week, but it did succeed in getting the local newspapers to refuse the play's advertising starting Saturday (26), the day before its opening at the Lyceum. Strange part of it was that the one St. Paul Sunday sheet carried the ad, although the show has been unable to play St. Paul because of city officials' taboo.

'Road' got a break in one respect because the Mpls. Sunday Tribune drama section already had been made up before the ban's establishment and it contained considerable publicity. There also had been other advance newspaper publicity and advertising in both newspapers here.

In order to bring the show to the town's attention, the theatre management is utilizing a sound truck and sandwich men. Engagements in St. Paul will be watched with much interest, however, to determine the amount of injury to the boxoffice from lack of current newspaper advertising and publicity.

Show has played here twice before, including last season, to big business and without interference from the authorities trouble with the newspapers. Last season it caused much Tribune front page publicity as the result of Merle Poter, Tribune critic, playing the Jeeter Lester role for five minutes, a 'dare' at a regular performance. This season Poter in his column was offering \$25 to any person here, a non-professional, volunteering and being accepted to perform the same stunt. This, of course, had to be abandoned under the circumstances. Advance man for the show here was Carlton Miles, long the drama editor of the old Minneapolis Journal.

Show Biz Plots, Characters Will Feature B'way's Incoming Plays

'Father' Aims to Break 'Lightnin's' Chi Record

Chicago, Oct. 29. Oscar Serlin, producer of 'Life With Father,' last week okayed renewal of the lease on the Blackstone until June 1, 1941.

This means that the show here will probably have a run of 18 months, thereby breaking the record held by 'Lightnin',' which stretched for 63 weeks almost 20 years ago. 'Father' opened here last February.

Little Shubert Production, But Plenty Buy-Ins

The Shuberts have been anything but prolific in producing this season, but are believed to be interested in one way or another in more independent production than heretofore. Their evident idea is to assure tenancy of as many of their Broadway houses as possible, and also to buy in on such shows that look promising in the formative period.

Firm has been particularly busy in guaranteeing salaries of indie produced shows. That does not require the use of cash, however, Shuberts, being among the older showmen who are exempted from depositing securities or bonds with Equity as salary guarantees. Their letter protesting the casts of other managers' shows is all that is necessary.

Among the shows guaranteed by them are: 'Horse Fever,' first called 'Money Makes the Mare Go' (Alex Yoke); 'Elmer the Great' (Alexander Myers); 'Fledgling' (Otis-Chatfield-Taylor); 'Second Helping' (Bachelor & Proser); 'Tis of Thee' (Nat. Lichman); and the series of plays tried out at the Copley, Boston. They are known to have loaned coin or invested 'Helping' and 'Thee,' the former being taken off the boards after two tryouts, and the latter stopping after one performance last Saturday (26).

Aldrich & Myers had a successful season during 1939-40. It is understood that the Shuberts wanted an interest in 'Elmer' because of its summer stock showings and it will play one of their Broadway theatres. Not certain whether they will be concerned with another of the A. & M. shows, the recently acquired 'Last Judgment,' which has a new title, 'Cue For Passion.' Play was released by George Abbott because the latter could not present it until after Jan. 1, being occupied with 'White-Haired Boy' and 'Pal Joey.' Doubtful if the Shuberts are taking exceptional risks in guaranteeing players of other managers. It is assumed that when the Shuberts play their houses, the Shuberts stipulate that they get first money.

Aside from the Copley venture, J. J. Shubert appears to be more active in a production way. He handled the musical 'Night of Love,' currently in Boston, and initiated a season of musical stock in Detroit, start there being under expectations. Shuberts' ace attraction is 'Hellzapoppin' (Winkler Garden), second company of which is being rescheduled. They also are participants as house operators in the musical successes, 'Louisiana Purchase' (Imperial), 'Hold On to Your Hats' (Shubert), 'Boys and Girls Together' (Broadhurst) and 'DuBarry Was a Lady,' which scored at the 46th Street and is now at the Royale. The 46th Street gets the highly touted 'Panama Hattie' to night (Wed.).

Helprin, Boretz Casting

Morris Helprin and Alan Boretz are currently casting 'The Hard Way,' Boretz's comedy which the pair will produce. They intend starting rehearsals Dec. 4 and open in Baltimore Dec. 25.

Show will probably go to Washington after Baltimore, under present plans, with a New York opening shortly after that.

The list of straight plays due during the late fall is taking definite form. Most managers appear to have steered clear of serious scripts, straight drama being regarded as dubious stage fare because nothing the stage can offer could match the intensity of events in the war zones.

Indications are that most of the plays and at least one musical, come are based on some phase of show business or amusements. Nine or ten such shows are so identified and the count may go higher. Back-grounds are Hollywood and Broadway, while two straight plays are concerned with night spots. This trio of 'Pal Joey,' the Rogers and Hart musical, being headed by George Abbott, while 'Night Nocturne' has to do with a jitterbug outfit spotted near a Jersey airport. It is slated to be presented by Kermit Bloomgarden and Elia Kazan.

Among the plays with definite Hollywood background is 'Beverly Hills,' to be presented by Lawrence Schwab and Otto Preminger at the Fulton, N. Y., next week. Brock Pemberton's 'Morality Clause,' opening out of town as 'Glamour Preferred,' has to do with Coast people, but confined within a house there, 'The Spewacks' 'Out West It's Different,' which starts Max Gordon's season, also has a picture background, as has 'Quiet Please,' produced in Los Angeles by Jesse Lasky and Henry Duffy. It is due soon on Broadway and will reintroduce the presenters to the theatre.

'White Haired Boy,' being presented by George Abbott at the Biltmore, N. Y., next week, has to do about a personality playwright who may be William Saroyan; Ben Hecht or Clifford Odets. 'Five Alarm Waltz,' virtually set by Jed Harris, who is returning to Broadway, said to be similarly concerned. 'Return Engagement,' which opens at the Booth, N. Y., Friday (1), has a summer theatre background. Every man for himself, which will bring back Lee Tracy, has to do about a scenarist.

Among the dramatic works due is 'Mr. Big,' which will be presented by Dwight Deere Wiman and Lee Shubert and details a murder in a theatre. 'Conquest in April,' being produced by Louise D'Amelio. DuPont Carpenter has a screen actress stranded in Norway during the Nazi invasion, as the central character. Other dramas include 'Fledgling,' dealing with a mercy killing, and 'The Corn is Green,' latter show being prepared by Herman Shumlin.

Equity Council 'Clears' Maida Reade for Giving Rebuts Its Mailing List

Surprise and comment within Equity when it first was evicted about Maida Reade 'borrowed' the mailing list for Republican presidential campaign purposes quickly died down when details became known. Equity leaders, while affirming the association's course in keeping free of politics, felt that Miss Reade's move was unimportant because comparatively few actors in New York or on the road register their votes. Only a small percentage of Equity's membership takes advantage of absentee voting privileges.

No investigation of the use of the mailing list was necessary. Miss Reade promptly arose before the council and, explained her intent, saying that if the other wanted her thrown out of the council she stood ready to take the slap. She staunch roofer for Wendell Wilkie, and said that if her action won only two votes for the Republican candidate she'd be satisfied.

Had Miss Reade been less active on behalf of Equity she might have been disciplined, but she gave a formal reprimand. She does most of her time to activities of the association and is head of the unemployment committee. She used only the New York portion of the list, using the addressograph only once for the campaign stunt.

When the matter was disposed of, several proposals were discussed in reference to the mailing list. One was that the list should be loaned Rep. William P. Lamberton, who charged councilors with Red activities. It was voted down, being the only recent reference to the Lamberton charges.

Opera Free of 'Coach-and-4-Hundred' In Streamlined Form at Carnegie, N.Y.

A tentative but provocative beginning toward the 'streamlining' of grand opera is due this winter at Carnegie Hall, New York. In a partnership between the National Orchestral Association under Leon Barzin and the recently organized Group Opera it is proposed to present four operatic works under unique conditions. Solo singers will double as chorists on occasion. Settings and libretto will be modernized and, if suitable, anglicized. Finally, anything 'smacking of a star' system is strictly not wanted.

Just now the auspices of the Carnegie Hall venture are being conservative, speaking of their work as 'music plays' rather than opera. But they are consciously carrying the pennants of that body of opera-lovers New York who frankly deplore the 'coach-and-four-hundred' domination of the Metropolitan opera with its Julliard-NBC-Sherwin-Williams paint-the-ups. The significance of this winter's try is not judged in music circles in relation to any immediate expectation of revolutionizing American opera, but rather as a modest but significant effort to get away from the 'politics and closed doors of the Met.'

The National Orchestral Association under Leon Barzin has given annual concerts, but its main purpose in the past has been to train talented students for actual membership in symphonies. From some 1,337 students since 1930 it counts 153 alumni in the 30 chief philharmonic aggregations of the U.S.A. The merger with the singing group represents an extension of activity.

Associates

Barzin's allies are Josef Turnau, formerly of the Vienna State Opera, and a prominent stage director, and Karl Kritz of the Berlin State Opera. During the past two years they have formed a group of young American singers ranging in age from 20 to 30, who have been trained for operatic performances. Barzin, Turnau and Kritz agreed with the cry in this country, of the lack of training in essential roles from which the average American singer suffers through no fault of his own.

Carnegie Hall project is to be launched Dec. 9 with a revised performance of 'Pagliacci.' It is intended to modernize operas in staging and settings and to present them as far as possible in the same manner as a Broadway play.

The star system, the bane of opera since its inception, will be completely eliminated with stress being laid upon the ensemble work. Voice, acting ability, stage presence, and figure all will be of equal importance. Translations into English will be made wherever possible. Later, American and refugee composers

will be commissioned to compose solely for the American stage, using American backgrounds.

Whether staging of the opera will be brought up to date, both in the sets and the costumes, which is being handled by Constance Hess and Ann Benz, wives of a tenor and baritone of the group, respectively.

The Four Choices

The four operas to be presented are 'Pagliacci,' 'Sister Angelica,' a little-known work of Puccini, 'Gianni Schicchi,' by the same composer, and a new opera written around a South American theme now being composed for Barzin, at the conductor's request. The operas will be presented on the second half of programs, which will include 'Pola Frisli,' William Hain, Lydia Summers, and Mack Harrell as the guest artists in recitals devoted to leader. The opera group is now so trained, that its solo singers in one performance are able with equal facility to sing lustily as a chorus in the next presentation.

First actual unveiling of the abilities of the Group came Tuesday (22), when a quartet from the group, including William Hess, tenor; Hamilton Benz, baritone; Camille Fischell, dramatic soprano, and Eleanor Knapp, contralto, presented a program at the Bentley Studios, Carnegie Hall, which included Mozart's 'Litanies,' Laurentianae, written in 1774, but never before presented in the U.S.

TODAY'S PRODS. BATTLE OVER PIC RIGHTS COIN

Revival of 'Here Today,' which opened Monday night (28) at the Copley, Boston, was threatened last week by a dispute over the picture rights. W. Horace Schmidlapp, Joseph M. Gaites and Lee Shubert, co-presenters, were given a slice of the producer's share, but the Dramatists Guild refused them a portion of the author's end. After threatening to abandon the venture, they finally went ahead with it.

Comedy by George Oppenheim and George S. Kaufman was produced some years ago by Sam H. Harris. Ruth Gordon has toured the strawhats in it the last couple of summers and, under the Schmidlapp-Gaites-Shubert sponsorship, was to give it a road break-in and then bring it to Broadway. Show was never sold to pictures, but on the theory that a new production might stimulate Hollywood interest, the new co-presenters wanted a share of the possible film price.

Original production was under the old minimum basic agreement, giving the producer and author a 50-50 split of the picture sale. Harris agreed to give them a third of his end. However, the Guild stuck to its minimum requirements and refused to permit the authors to split their half-share.

Sponsors have asked the Guild council to reconsider the matter, but it's figured improbable that a waiver will be granted to allow the authors to give away any of their portion. Guild has never consented to any such arrangement. There is understood to be a Hollywood bid for the rights in the offering.

Plays on B'way

Continued from page 36

'TIS OF THEE

Lloyd provides pungency to a couple of morbid routines about neuroses and with Virginia Burke puts across the slim 'What's Mine Is Thine' song.

Mervyn Nelson and Sherie Hart have a funny sketch about what killed vaudeville. Laura Duncan, a Negro rhythm singer, handles 'After Tonight' nicely, and Cappello and Beatrice offer the only show-stopper, two spectacular ballroom routines, which even stupid presentation doesn't spoil. Except for that number, the dancing in the show is commonplace. Staging throughout lacks incisiveness, but Carl Kent's ultra-simple settings are fairly effective. Despite the youthful eagerness of the company, 'Tis of Thee' seems too thin to get by in the tough Broadway competition, even at its obviously modest run.

(Taken off after first performance; printed for the record.)

Current Road Shows

(Week of Oct. 28)

'A Night of Love'—Shubert, Boston.
'Elmer the Great' (Joe E. Brown)—Bushnell auditorium, Hartford, Conn. (30); Shubert, New Haven (31-2).

'Folies Bergere'—El Capitan, Hollywood.

'Here Today' (Ruth Gordon)—Copley, Boston.

'Ladies in Retirement' (Flora Robson)—Ford's, Baltimore.

'Lady in Waiting' (Gladys George)—Locust, Philadelphia.

'Life with Father' (Lillian Gish)—Blackstone, Chicago.

'Life with Father' (Dorothy Gish)—Civic Repertory, Boston.

'Little Folies' (Tallulah Bankhead)—Orpheum, Quincy, Ill. (28); Orpheum, Springfield, Ill. (29); Lincoln, Decatur, Ill. (30); Fischer, Danville, Ill. (31); Virginia, Champaign, Ill. (1); Majestic, Peoria, Ill. (2).

'Male Animal' (Elliott Nugent)—Selwyn, Chicago.

'Man Who Came to Dinner' (Clifton Webb)—American, St. Louis.

'Man Who Came to Dinner' (Taylor Holmes)—Mishler, Altoona, Pa. (28); Cathedral, New Castle, Pa. (29); Capitol, Butler, Pa. (30); Union, New Philadelphia, O. (31); State, Cambridge, O. (1); Weller, Zanesville, O. (2).

'Meet the People'—Grand Opera House, Chicago.

'Meet the People'—Music Box, Hollywood.

'Philadelphia Story' (Katharine Hepburn)—Cass, Detroit.

'Pins and Needles'—Playhouse, Providence (28-30); Erie, Schenectady (31); Masonic auditorium, Rochester, N. Y. (1-2).

'Pygmalion' (Ruth Chatterton)—National, Washington.

'Quiet, Please' (Jane Wyatt, Donald Woods)—Biltmore, Los Angeles.

'See My Lawyer'—Lafayette, Detroit.

'Skylark' (Gertrude Lawrence)—Melba, Dallas (28-29); Paramount, Austin (30); Texas, San Antonio (31); Majestic, Houston, Texas (1-2).

'Time of Your Life' (Eddie Dowling)—Erlanger, Chicago.

'Tobacco Road' (John Barton)—Lyceum, Minneapolis.

'Twelfth Night' (Helen Hayes, Maurice Evans)—Colonial, Boston.

'White Haired Boy'—Plymouth, Boston.

Legit Cues

Robert Ardrey arrived east over the weekend and is staying with friends at Bedford Village, N. Y. Has a new play in mind, which he'll start on at once.

J. Richard Jones out of 'Charley's Aunt' with strep infection. Oliver Thorndike, understudy, replaced.

Betty Field, currently making 'Little Shepherd of the Hills' on location at Big Bear, Cal., for Paramount, finishes shooting Nov. 15 and planes east to start rehearsing in 'Flight to the West' for the playwrights.

Carol Bruce Loses

Carol Bruce received a sharp setback from Equity yesterday (Tuesday) in her dispute with producer B. G. DeSylva over her right to double from his musical, 'Louisiana Purchase,' at the Imperial, N. Y., into the Waldorf-Astoria hotel, N. Y., and the Ben Bernie radio program. Singer was ordered to discontinue her outside engagements, unless she receives written permission from DeSylva to fulfill them. In addition, she was fined \$500.

Ruling by the Equity council was based on a clause in the standard Equity contract giving the management exclusive services of any actor in his show, but is first time in many years that it has been invoked.

Cossacks Find Haven

Detroit, Oct. 29. Don Cossack troupe announced intention here of becoming American citizens en masse.

The preliminary papers have been filed, it was said, and shortly the entire chorus of White Russians, who have been homeless since the revolution and touring the U. S. for some seasons, will take up their new citizenship.

Inside Stuff—Legit

For some time Equity has dropped a list of 'accredited' physicians formerly carried in its monthly magazine, some doctors formerly inserting 'professional cards' in the publication. Such practice is forbidden by the N. Y. County Medical Association. Equity also has discontinued recommending physicians to members and it was stated there are no longer any 'Equity doctors.'

Matter came to attention recently upon the sudden death of Berton Churchill, whose passing set back the opening of 'George Washington Slept Here,' Lyceum, N. Y. Dr. H. A. Coveler, who has offices in the Sardi Building, was called in when Churchill was found unconscious in his room at the Lincoln hotel. Doctor at the time said he was on Equity's list of physicians, which was referred around the association's office.

Equity representatives who stepped in to aid Churchill's family burned up when Dr. Coveler set his fee at \$100 for attending the actor. It was known that more than \$700 was found in Churchill's clothes. The doctor attended Churchill at the hospital on the evening his condition was discovered, actor dying the next morning.

N. Y. Critics Circle, which recently had its annual election, appears to have decided that metropolitan daily and weekly reviewers alternate as presidents. Joseph Wood Krutch, of The Nation, is the new president, succeeding Burns Mantle, News, who followed George Jean Nathan, who has been covering for periodicals, John Anderson, Journal-American, is vice-president; Sidney Whipple, World-Telegram, and Louis Kronenberger, PM, corresponding secretary.

Latter's election to the Circle came when Robert Rice, drama reporter of the same sheet, resigned. 'Rice joined up after some controversy last season when on the Telegraph. He then switched to the new afternoon tab as d. and is not the first-stringer. Two new members are Wolcott Gibbs, of the New Yorker, and Oliver H. P. Claxton, of Cue. Former took over for Robert Benchley, who is spending most of his time on the Coast. Critics organization was supposed to consist of first-stringers only, but, with reviewers on weeklies now in, the qualifications for membership appear to be elastic.

George Abbott, who in the past has been financed by Warners, is producing with his own coin this season. Picture firm bowed out at the end of last season, having backed five productions for Abbott during that time. Two of the five were successes, 'Too Many Girls' and 'See My Lawyer,' former also being sold for pictures. Three which failed to pay off were 'Ring Two,' 'The Unconquered' and 'Goodbye in the Night.' Film outfit made a slight profit on its entire season's investment with Abbott. It also backed several other productions.

With Abbott again using his own coin, there's considerable Broadway speculation about the two shows he so far has scheduled for this season. Currently in rehearsal is 'The White Haired Boy,' and according to members of the cast it is one of the funniest scripts the producer has ever had. 'Pal Joey,' with a book by John O'Hara, still has no score. Rodgers and Hart are now at work on it.

Along Broadway when extra space ads for run shows appear it is assumed that there has been a letup in attendance, but there are exceptions. Case in point is 'Life with Father,' which is passing a year's run mark at the Empire, with business maintaining a capacity pace. Last week a 10-inch double column ad was inserted in the dailies for the purpose of building up mail order sales.

Oscar Serlin, who produced the play, explained that customers applying for tickets in advance will be assured location seats and not immediately available. Tickets are on sale eight weeks in advance, it being impractical to handle sales beyond that period. However, applications for later dates are kept on file and mailed out when tickets are received, money orders for such requests being segregated. Three girls are assigned to handle advance mail orders only. Advance sales will be similarly stimulated in Chicago and Boston, where the engagements of 'Father' are also due to continue indefinitely.

Horses of mounted cops assigned to duty on 44th street and vicinity have been a source of annoyance to audiences in the 44th Street theatre for years. During lulls in policing traffic in the evenings officers have been in the habit of parking their nags in the theatre alleyway. Noises from the animals were heard in the theatre and there were other objectionable results. The parking idea was abruptly stopped recently. Management of the Gilbert and Sullivan rep company, which closed at the house Oct. 19, including persons closely connected with the police department, telephoned complaints to headquarters which brought a prompt order that the cops keep their pets out of the alleyway.

Sometime ago at a 44th Street premiere a showman excitedly claimed that someone was doing a buck and wing in the alley to intentionally disturb the performance. Upon investigating, it was discovered that the horses were stamping their feet.

For more than 35 years, Nixon, at present Pittsburgh's only legit spot, has been strictly a one-week date. Shows have come back there for return engagements but never stayed more than six days at any one time except on rare occasions. However, shortage of road attractions this season and with tryout prospects pretty dim, Nixon management and UBO have decided to break tradition and give several productions at least a fortnight's stand in Smoky City. Among the two-week bookings already set are 'Man Who Came to Dinner,' 'DuBarry Was a Lady' and 'Tobacco Road,' result of latter play's record-breaking biz year ago on seventh visit to Nixon. There will likely be added time for at least couple of others. Indicative of Nixon situation is fact that house got its latest start in years two weeks ago with 'Ladies in Retirement,' last week had 'Time of Your Life' and had nothing set after that until 'There Shall Be No Night,' Nov. 11.

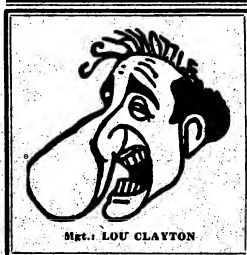
George M. Cohan's name and his monologue beginning 'Life is a funny proposition,' were included in a recent address on The Catholic Hour over some 95 NBC red stations by Father James M. Gillis. Cohan was coupled with Shakespeare, Ibsen, Eugene O'Neill, Hardy, Schopenhauer, Twain, Aldous Huxley, Haeckel, Freud, Aristotle, Sophocles, Socrates, Seneca, Kant, Spinoza, Thomas Aquinas and other famous men down through the ages who have sought the answer to question of life, its meaning, and the future life.

Father Gillis, early in 20-minute talk, referred to Cohan as 'The best known and best liked playwright and comedian of the American stage 15 or 20 years ago, who after dancing and singing and waving a flag all evening would answer a curtain call with a monologue.'

Bill Fields, who is in advance of 'There Shall Be No Night' with the Lunts, who in final Broadway week at the Alvin, N. Y., has gotten out a neat route booklet, prepared for use of the show's cast, bookers of the play and railroads which will transport them. First date out is next Monday (4) in Ottawa for one night, balance of the week to be played in Toronto.

Season of 25 weeks will conclude with a two-week date in Philadelphia starting April 14. During that period, 42 stands will have been visited; Coast to Coast tour will have covered 11,664 miles.

Sam H. Harris is first manager to visit Florida this autumn, having gone south late last week. Principal object is to lamp a new house he is building at West Palm Beach. Manager will return in a couple of weeks to supervise production of 'Lady in the Dark,' drama with music which will star Gertrude Lawrence. It will be his second production this season. First is 'George Washington Slept Here,' Lyceum. No other new shows are definitely scheduled.



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All Chi Shows Doing Well; 'Father' Fine 17G, 'People,' 12G, 'Animal,' 11G

Chicago, Oct. 29. Erlanger turned on the lights last night (Monday) for the first time of the season. The show is the second on the American Theatre Society subscription list and will easily encounter a flabby initial session here.

'Meet the People' has settled down to a profitable pace in the Grand and will stick until the week before Christmas. 'Male Animal' continues at a good gallop in the Selwyn. Blackstone has been leased by Oscar Selwyn until June, 1941, which tells the story of 'Life with Father' in its 35th week.

In the offering is 'There Shall Be No Night,' which is dated to start in the Grand on Dec. 26. The Ballet Russe opened in the Auditorium last night (Monday) and will be here only one week, an unusually short engagement.

Chicago's 12th year will present its own Ballet Theatre starting Nov. 3, giving 12 all-ballet performances during the regular six-week opera season.

Estimates for Last Week
'Life with Father,' Blackstone (34th week) (1,200; \$2.75). Week after week it continues at a sensationally profitable pace. Last week gross jumped \$2,200 and went close to \$17,000.

'Male Animal,' Selwyn (7th week) (1,000; \$2.75). Holding its own and going along on the right side of the ledger at \$11,000.

'Meet the People,' Grand (4th week) (1,200; \$2.75). Revue has made good with Chicago audiences and is sticking to its six more weeks. Came through again last week for \$12,000.

SAROYAN'S 'LIFE' GETS BIG \$16,000 IN PITT

Pittsburgh, Oct. 29. 'Time of Your Life' is in for a big season on the road if he here last week at Nixon is any criterion. Twin prize-winner opened tour here following return engagement of month on Broadway and clocked estimated \$16,000, biggest gross Saroyan show has ever had, in New York or anywhere else. As big a surprise locally as it was to Eddie Dowling and the Guild, 'Time's' sponsors.

Played here at \$2.75 top under ATS subscription auspices and opened to just moderate figures, but shot into high within 24 hours when the raves came out. Dowling himself did a lot of good exploitation work for the play, too, appearing at a host of banquets and luncheons talking about 'Time,' Saroyan, etc.

Nixon is currently dark and will be until Nov. 11, when Lunts arrive in 'There Shall Be No Night' under ATS. Unusual that in first three weeks of season house will have fulfilled half of its commitments to subscribers.

Bela Blau's Death Major Loss to Legiters; Was Promising Impresario

Sudden passing of Bela Blau, who died of a heart attack in New York last week at the age of 44, was a major loss to legit theatre people. He was the up-and-coming, younger showman to whom Broadway looked for productivity in the theatre, having several solo productions to his credit and three in association with Marc Connelly.

Blau had virtually completed arrangements for the production of 'Viceroy Sarah.' Show was budgeted for \$35,000 and all but \$5,000 had been raised. Connelly, who publicly expressed admiration for the talents of the unassuming Blau, announced that he would proceed with the presentation of 'Sarah.' As a managerial duo their most successful presentation was 'Having a Wonderful Time,' which scored a run at the Lyceum, N. Y. They were not so fortunate with 'Two Bouquets' and 'Everywhere I Walk.'

For the past two summers Blau operated summer stock in the Deere theatre, near Harrison, Me., attracting a number of guest stars to that country playhouse. Ordinarily showmen from N. Y. are not cordially received by New England localities, but Blau was popular in Harrison, so much so that a mile of bad road leading to the Deere theatre was rebuilt by the town authorities.

On the day of his death he lunched with John Byram, former dramatic editor of the N. Y. Times, now head of Paramount's eastern script department, and Gilbert Gabriel, former critic, there being no indication that he was ill.

'PHILLY STORY' TERRIF \$25,000 IN CLEVELAND

Cleveland, Oct. 29. Katharine Hepburn in 'Philadelphia Story' rolled up smashing estimated \$25,000 in seven performances at a \$3 top at the Hanna last week. Biz was nearly double what Hepburn drew on her last visit in 'Jane Eyre,' with emergency seats set up in side aisles at every show.

Walloped by a late fall touring attraction, he is going dark again until Nov. 18, when 'There Shall Be No Night' arrives. Opening night for latter already sold out.

'Lady In Waiting' Fair \$9,000 In 1st Philly Wk

Philadelphia, Oct. 29. Brock Pemberton's 'Lady In Waiting' found a fair week at the Locust, drawing approximately a fair \$9,000 at the till. Patronage for the comedy started slowly, but increased toward the end of the week after good word came out.

'Twelfth Night,' with Helen Hayes and Maurice Evans opens next week (4) at the Forrest with Monday and Tuesday of the second week. Bought out by the Philadelphia Forum.

Shows in Rehearsal

'Hi-Ya Gentlemen'—Alex. A. Arons and Robert Ritchie.
'Horse Fever'—Alex. Yoke.
'Hellzapoppin'—road—Shuberts, Olsen and Johnson.
'Glamour Preferred' ('Morality Clause')—Brock Pemberton.
'Fiddling'—Otis Chaffield-Taylor.
'The Corn Is Green'—Herman Shumlin.
'All in Fun'—Leonard Siliman, Phil Baker.
'Beverly Hills'—Laurence Schwab, Otto Preminger.
'Crazy With the Heat'—Kurt Krazner.
'Conquest in April'—Louise Carpenter, Adelaide Finch.

HAYES- EVANS BIG \$21,000 IN HUB

Boston, Oct. 29. 'Panama Hattie' wound up its three-week tryout Saturday (26) in a blaze of glory, taking all the business that could be jammed into the Shubert and all the other shows. Helen Hayes and Maurice Evans were strong last week in the first stanza of their 'Twelfth Night' tryout.

'Fiddling' and 'Needles' did okay trade and 'Life with Father' continued strong in its fourth week. Three openings here last night (Monday): 'White Haired Boy,' by Charles Martin and Beatrice Kaufman, presented by George Abbott for one week; 'Here Today,' with Ruth Gordon, for a two-frame testing; and 'Night of Love,' the new Shubert musical, with Helen Gleason, John Lodge and Marjorie Gainsworth.

Estimates for Last Week
'Panama Hattie,' Shubert (3d wk) (1,500; \$3.30). Sold out of the town drawing maximum number of standees allowed by law, filling extra chairs, seats and stools and turning away scores. Smashed through with \$29,000 on final week.

'Twelfth Night,' Colonial (1st wk) (1,643; \$3.30). Helen Hayes and Evans lauded by press. Shakespeare fare did so well in the opinions, but the boxoffice did. Big \$21,000 for initial week. One more stanza.

'Life with Father,' Repertory (4th wk) (955; \$2.75). Another great week for this one, with prospects of a record stay. Last week's takings quoted at \$15,600.

'New Pins and Needles,' Plymouth (2d wk) (1,480; \$2.75). Okay on balcony but scanty downstairs. Finalized with satisfactory \$10,000.

'Return Engagement,' Copley (2d wk) (1,038; \$1.65). Only go-go on the draw, with Bert Lytell and Mady Christians helping overcome tepid word-of-mouth. Got \$3,200 before leaving for New York.

'Love' 6G in New Haven

New Haven, Oct. 29. Shubert has had a busy season to date with at least attraction weekly since opening in September. This week spot has last half with Joe E. Brown in 'Elmer the Great' (31-2). Next week comes road show of 'Hellzapoppin,' with Billy House and Edna Gurney.

Last week's break-in of the musical 'Night of Love' drew friendly, but not enthusiastic press, resulting in around \$6,000 on four shows; not too good.

Toughies

Continued from page 1

his mustache shot away by the out-law.

Baddies Get a Break
Hollywood, Oct. 29. Baddies get a break over goodies in the next few months of shooting on the picture trails. New entries in the Sin-Gun Derby are 'Bad Men of Missouri,' to be directed by Raoul Walsh at Warners, and 'The Outlaw,' a Howard Hughes production for 20th-Fox release, dealing with 'Billy the Kid.'

Another 'Billy the Kid' yarn is coming up at Metro with Robert Taylor as the gunster. Universal's Dalton Boys are still galloping on the screen and 'The Trail of the Vigilant,' oiling up, its shootin' irons. 'Belle Starr,' a female baddie from Oklahoma, is ready to ride, and several other studios saddling their steeds in the same general endeavor.

B'way on Even Keel; Jolson, Wynn \$28,000 Each, 'Geo. Wash.,' \$15,000, 'Ice,' \$35,000, 'La. Purchase,' \$34,000

3 DET. HOUSES LIGHT UP; 'YOURS' N. G. \$6,000

Detroit, Oct. 29. Unparalleled since the booming 20's, Detroit this week saw three legitimate theatres go into operation. Opening Sunday (27) at the Wilson was Shubert revival of 'Too Many Girls.' Dark for a week after the six weeks' run of 'Man Who Came to Dinner,' the Cass opened same night with Katharine Hepburn in 'Philadelphia Story.' The Lafayette, years dark, relights tomorrow (Wed.) with Wee & Leventhal's 'See My Lawyer' at pop prices.

Second-final week of 'Unfaithfully Yours.' Shubert musical version of 'DuBarry,' dropped to an approximate \$7,000 following opening week of n.g. \$8,000. Show closed here when nixed for Chicago, where it was scheduled for a fortnight at the Grand Opera House.

Folies Bergere Hits Big 16G First L.A. Wk.; 'Quiet' to Sim \$6,000

Los Angeles, Oct. 29. Hollywood is flocking to Clifford C. Fischer's 'Folies Bergere' at El Capitan, but by the same token Hollywood is manifesting but slight interest in Jesse L. Lasky's 'Quiet, Please,' now in its third and final week at the Biltmore before it goes to New York.

'Folies' came here direct from the San Francisco Fair and on a two-a-night and three matinee policy piled up a substantial gross on its first week. 'Meet the People,' second edition, leaves the Music Box, Hollywood, Nov. 3 and will take a whirl on the road.

Estimates for Last Week
'Folies Bergere,' El Capitan, Hollywood (R-1,560; \$1.10). Geared at two performances nightly and mats Wednesday, Saturday and Sunday. 'Undraped' revue ground out big \$16,000 on first of what will be a three or four-week sojourn here.

'Quiet, Please,' Biltmore (C-1,856; \$2.50) (2d wk). Too close to Hollywood to attract much favorable attention. Second of three-week run brought another slim \$6,000. Piece closes here Nov. 2 and opens at the Guild, New York, Nov. 11.

Foxes' Fine \$16,800 In Torrid St. Louis

St. Louis, Oct. 29. 'The Little Foxes,' with Tallulah Bankhead in the top role, finished a one-week stand at the American Saturday (25) with an estimated take of \$16,800, fine, for eight performances. House was scaled to \$2.80. Heavy purchases by the Playgoers of St. Louis, Inc. plus raves from the critx of the three daily rags, offset the midsummer temperature on part throughout the date.

'The Man Who Came to Dinner' (Monday) brought a two-week stand last night.

'Ladies' 16+G in Wash.

Washington, Oct. 29. 'Ladies in Retirement,' second local ATS subscription play, got fine business here last week at approximately \$16,500, around \$2,500 more than first ATS offering, 'Suzanna and the Elders.'

Current's first full week's engagement of Ruth Chatterton in 'Pygmalion.' Next week (4) brings Brock Pemberton's new one, 'Glamour Preferred,' and following week (11) will bring Shubert's new musical, 'Night of Love.'

'Skylark' 5 1/2 G, Memphis

Memphis, Oct. 29. Gertrude Lawrence grabbed approximately \$6,000 in three performances of 'Skylark' within two days here last week at Ellis Auditorium. Municipal showhouse reports on her opening in recent years for legit season, with second day's business much better than opening night.

Local press did nipsups for Miss Lawrence and balance of cast. It was Miss Lawrence's first Memphis appearance.

Estimates for Last Week

Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Opera).
'Boys and Girls Together,' Broadhurst (4th week) (R-1,412; \$4.40). Ed Wynn's looks like one of season's musical good things; started off to big business and has maintained virtuosity capacity past \$28,000 quoted.
'Cabin in the Sky,' Martin Beck (1st week) (M-1,214; \$3.30). Opened Friday (25); some highly favorable notices; others mixed; colored cast business; capacity second night (Saturday).
'DuBarry Was a Lady,' Royale (4th week) (M-1,047; \$4.40). Fair gross in new spot, where capacity consisted of 1,000 that of 46th Street; rated around \$17,500.
'George Washington Slept Here' (1st week) (C-1,004; \$3.30). First full week quite promising; quoted bettering \$14,000, which is not materially under capacity; accumulation through postponement of opening, but reported good agency call. Garden (110th week) (R-1,671; \$3.30). Incoming musicals have not affected attendance of long-staying laugh revue, which was quoted around \$30,000.

'Hold On to Your Hats,' Shubert (7th week) (M-1,405; \$4.40). Jolson's starrer; another musical standout of the new season; has been drawing big trade since opening; shaded through theatre party, but big \$28,000.

'It Happens on Ice,' Center (3d week) (R-3,087; \$2.75). Rink revue getting good grosses, but could draw much higher; house maintenance plus operating costs heavier than for any other season's stay; quoted at \$18,000; over capacity.

'Johnny Belinda,' Belasco (6th week) (D-1,000; \$3.30). Although some improvement claimed, has been sticking by grace of wealthy backer; rated around \$15,000.

'Life With Father,' Empire (51st week) (C-1,095; \$3.30). Nearing year's run mark and indications are for another season's stay; quoted at \$18,000; over capacity.

'Louisiana Purchase,' Imperial (22d week) (M-1,450; \$4.40). List's front runner; holding to great advantage since opening; the gross quoted over \$34,000.

'Man Who Came to Dinner,' Music Box (54th week) (C-1,102; \$3.30). Is now showing a slight uptick after first of year; holds to excellent profit level, with gross last week bettering \$16,000.

'Panama Hattie,' 46th St. (M-1,347; \$4.40). Presented by B. G. De Sylva; book by Alan and Herbert Fields; score by Cole Porter; rated a sure thing in Boston; opens tonight (30) at \$2.80.

'Return Engagement,' Golden (C-789; \$3.30). Presented by Horace Schmidlapp and Joseph M. Gaites; written by Lawrence Riley; tried out in Boston; opening week.

'Separate Rooms,' Plymouth (31st week) (C-1,107; \$3.30). One of the holdovers that is turning weekly profit; has been averaging \$11,000 and better weekly.

'Suzanna and the Elders,' Morosco (C-939; \$3.30). Presented by Jack Kirkland; written by Lawrence Langner and Charles Mason; tried out in Boston; reported out of town; opened Tuesday.

'There Shall Be No Night,' Alvin (D-1,434; \$3.30). Final and 23rd week; has been steadily jumping towards capacity; set \$19,000 last week; will probably top that level for final performances; tours; next attraction 'Hi Ya Gentlemen.'

'Tis of Thee,' Elliot. Opened Saturday (26); drew doubtful press; immediately taken off; one performance.

'Tobacco Road,' Forrest (26th week) (C-1,107; \$1.10). Has been advertising last weeks for months; still appears to be making some operating profit; bit over \$4,500 estimated.

'Blind Alley,' Windsor (2d week) (CD-873; \$2.20). Attendance under expectations following fairly favorable press; under \$4,000.

'Charles and Cora,' Cort (2d week) (C-1,064; \$3.30). First full week promising for old time laugh show; quoted around \$9,000 and should stick.

'Kind Lady,' Playhouse (8th week) (CD-865; \$3.30). First revival of fall continues at profitable gait and may stick into winter period; over \$10,000 quoted.

Mex. Usherette Suicides

Mexico City, Oct. 29. Sharp disappointment at ascertaining that she would never make an actress, her life ended last night, Mar Teresa Hernandez, 23-year-old usherette of the Palace of Fine Arts (National Theatre) to leap ten stories to death from La Nacional Building.

Skyscraper is across from the Palace.

OLD SHUBERT, B'KLYN, SUES FOR A LICENSE

The Subway Circuit Theatres, Inc., has filed an application with the N. Y. supreme court to force Paul Moss, manager of licenses of N. Y. City, to grant it a license for its theatre, the 'Old Shubert,' in Brooklyn.

The theatre has been used for theatrical performances for the past 20 years and an application had been made for a license on Sept. 5 and rejected by Moss on Sept. 13. No reason for the rejection was disclosed by the plaintiff.

Block-Sully's 'Lawyer' Also Comeback for Lane

'See My Lawyer,' which opens at a pop price, today's stock attraction at the Lafayette, Detroit, and which gives Jesse Block and Eve Sully a fling at legit, also provides a stage reappearance of an oldtimer, Harry Lane, formerly of Equity's office staff in New York. It is Lane's first part in 20 years; his last appearance having been in 'Experience.' Last season he was retired from active duty and is on pension by Equity.

Play is the first of a string of shows to be presented by Wee & Leventhal, who have a string of mid-western stands as formerly. At present the W. & J. circuit has five and one half weeks, with a Chicago house probably to come. Detroit date for 'Lawyer' is two and one half weeks, other spots to be played including Pittsburgh, Cincinnati and Louisville. C. E. Wee and J. Leventhal recently reunited after operating individually and plan a 10-city circuit.

Block and Sully, from vaude, debuted in legit last summer, appearing in the rural showshops in 'Lawyer.' Their arrangement with W. & L. calls for a substantial guarantee, considering the \$1.10 top scale for the show, plus a percentage of the gross.

'Gentlemen' Gets Going

'Hi-Ya Gentlemen,' the musical comedy to be produced by Alex. A. Arons and Robert Ritchie, with Max Baer and Sid Silvers the principal comedies, is slated to start rehearsals today (30). Show had been delayed over girl trouble, new managerial team being puzzled over selecting a femme lead. Early this week Audrey Christie was selected for the part.

Bobby Connolly, who will stage the numbers, issued a final call for the ensemble yesterday (Tuesday). Book is by Fred F. Finklehoffe, John Monks, Jr., and Sid Silvers; tunes by Johnny Green and lyrics by Harold Adamson.

Broadway

Pathe News celebrates 30th annl on Nov. 11.

Hal Matson, literary 10 per, laid up all last week with gripe.

Arthur Freed in town lining up Latin talent for Metro musical.

Henry Koster, Universal, due in New York this week on vacation.

East on a 10-day vacation. Lee Bowman has returned to the Coast.

Sam Friedman out ahead of Dante. In Philly this week.

"Quiet Please," current in Los Angeles, may be booked into the Guild.

Charlie McDonald celebrating 20th annl with RKO tomorrow (Thursday).

Herbert Bayard Swope wrenched knee but at Empire track Saturday.

John (Jack) Yorke company manager of "Cabin in the Sky" (Martin Beck).

Joe Jacobson, Shubert p.k., in Harborsburg most of last week following death of his mother.

Muriel Dickson, Met soprano, starting this week on three-months concert tour.

Earle Larimore back from Adirondacks, reported recovered from pulmonary disorder.

Universal employees tossing a Halloween dinner and party Friday (1) at Holland House.

Rogers Corner, which was Jack Dempsey's 8th avenue cafe, due to open around Nov. 20.

Ziegfeld Club holding first cocktail affair of season at Whirling Top this (Wed.) afternoon.

Jessie Dimond, actress-wife of stage manager Eddie Dimond, visiting her parents in Illinois.

Mark Hellinger feted by Banishes at luncheon last week. Also by Joe Connolly, King Features prez.

Charles Butterworth in town from the Coast to make a commercial picture for Paramount at Astoria.

Bill Dill agenting Brock Pemberton's "Morality Clause," opening out of town as "Glamour Preferred."

Joe Philpott, who's leaving the J. H. Cooper circuit in a few weeks, is making a final swing of the chain.

Warner Club, Inc., is tossing its inaugural Thanksgiving dance and party Nov. 23 at Hotel Commodore.

Milton Berle to host the Coast Friday (1) on his 20th-Fox film assignment.

Brother Frank precedes him, driving west.

Benny Leonard back in cafe biz. Will take over former Dave's Blue Room. Dave has new spot on West 58th.

Jane Froman back from Miami, where she went to recover from laryngitis. Opens soon at the Versailles, N. Y.

Two gals staged a fight at the Paramount Monday (28) over Roosevelt and Wilkie during the showing of the newswreel.

Bricktop may depart the class nitory room atop the Cog Room, recently opened for the Harlequines Frenchwoman.

Mort Blumenstock, Warner Bros. eastern ad-publicity chief, back from two weeks' vacation in Florida spending a coat of tan.

Group of 25 newspaperfolk went up to Albany to take the train ride back on Saturday (26) with Cecil B. DeMille and Gary Cooper.

Will Whitmore, Western Electric assistant advertising solicitor, bedded by a recurrence of the eye trouble which keeps him in a dark room.

Joe Forest has resigned as assistant to Mel Silver of National Screen Service to go into the theatre advertising and printing business for himself.

Christine Marston, former Mrs. Irving Aaronson, wife of the maestro, has taken over a West 57th street dramatic studio which she will operate.

United Artists hosted a tradespress luncheon for Louella O. Parsons yesterday (Tuesday). Plenty of social fo-tol-de-rol for Lolly's gang all week.

Script agent Bill Dozier cocktailled eastern story eds, agents and publishers at Hotel Ambassador Thursday (26). He returned to the Coast yesterday (Tuesday).

Brother Billy Stein's leg amputation is doing nicely now, everything considered; hence Jules C. Stein (MCA) and his wife left for the Coast over the weekend.

Ellen (Mrs. Irving) Berlin, electrotyping for F. D. R., got into the public prints twice with news squibs of her political activities, due to Wall Street heckling, etc.

Florence Freedman, English dramatic coach, just arrived in New York has left for the Coast where she is scheduled to tutor several film players on voice, diction, etc.

John W. Considine, Jr., on the way back to the Coast via stopoffs at Washington and Omaha, latter to discuss with Father Flanagan the "Men of Boys Town," sequel which he will produce.

Charles Trevor, currently in New York, dickering for a Broadway show. If it doesn't "sell" he'll leave in about two more weeks for the Coast. She's a freelancer and has no picture commitments.

Eddie Sherman, on way to Coast, met Carole Landis, bonding same plane in Chicago. Her good health surprised the vaude booker, who only the previous day had let her

out of a date on her plea of illness via phone to N. Y.

Bob Weisman is being called the benefit king, what with arranging shows on the cuff Thursday night (24) for The Pioneers, following evening for the annual Par dinner-dance and Saturday eve (26) for the Cinema Lodge.

Reno

By Leola McDonald

El Patio ballroom celebrated 12th anniversary with Larry Kent and his orchestra.

Inglis Fletcher, author of "Raleigh's Eden," best seller here to speak to clubwomen.

1940 Ice Frolics, direct from Golden Gate Exposition with Charlyss and Girl Revue, at The Dog House.

Georgia Drake, all-American model, sightseeing in Reno en route across continent in personal appearance tour.

Whitney Bourne Griffith divorced Stanton Griffiths here Oct. 23. No alimony and maiden name of Helen Whitney Bourne resided.

The Town House, Reno night club with cowpuncher atmosphere featuring Jim and Bill Donaldson, billed as "direct from Rocky theatre, New York."

Nevada resident, Major Fleischman, sold to the Government his 218-foot motor yacht Haida to be heavily armed and used for patrol purposes in southern waters.

Constance Bennett, is staging a variety amateur show Nov. 15 at Civic Auditorium for benefit of Refugees of England. Will give away a chance on \$1,500 fur coat with every ticket.

Leslie Curtis (Mrs. A. L. Kitselman), author of the first published Reno book on divorce, "Reno Reverses," closed his Pyramid Lake dude ranch to winter in Palm Springs.

Will author a book on famous old Piper Opera House of Comstock days.

The George Palmer Putnam and Armin Von Tempelski, author of "Born in Paradise," Literary Guild selection for November, to spend Thanksgiving at Flying Flapjack Ranch at Winnemucca, Nev., where book was written.

Alfred Bell, Hollywood scenarist and husband of Von Tempelski, also will be a member of the party.

Pittsburgh

By Hal Cohen

Eddie Blaine has quit acting for keeps to sell insurance.

Mrs. Pat Notarianna, wife of the Knox exhib, has just cradled a daughter.

Lois Miller pulled out for Atlantic City again to organol at National Dairy Show.

Chuck Steinhauer, the radio editor's lad, now on the road as a checker.

Al Kavelin used a local femme vocalist, Flo Parker, during his Auto Show engagement.

Ann Grace quit the Virginia Mance dancers at the Yacht Club to organize her own line.

Songwriter Herb Magidson rushed from the Coast at receiving word father was seriously ill.

Dorothy McGurre joined "Time of Your Life" here at general understudy for all female roles.

Bob Finkel, son of Southside exhibitor, playing lead in Playhouse's opener, "See My Lawyer."

Shirley Madrid, opposition spot to her brother Sol Heller's nitery, the Yacht Club.

Jim Lindsay, for three years technical director at the Playhouse, has joined Harris publicity department.

Dixie Fassnacht, ex-Southland Rhythm Girls, has opened her own cafe, Dixie's Bar of Music, New Orleans.

Gene Kelly back to New York to begin rehearsals in "Pal Joey" after visit with folks here following Mexico vacation.

Bill Fields in ahead of the Lunts, but goes back to New York two weeks ago when John Pollack will pair "There Shall Be No Night" tour.

Philadelphia

Frankie Richardson has purchased a piece of Montgomery's Cafe.

Sonny Saunders and Kay Allen, new vocalists with Joe Frassetto's WIP house band.

Elsie Jones, nitery warbler of prohibition era, making a comeback at Drury Lane Rhythm Bar.

Ed Kramer, former maitre at Jack Lynch's, now holding down similar chore at Evergreen Casino.

Joe McGrath, one-time member of the Arcadia and Anchorage staff, now banquet manager at Club Ball.

Bill Lang, KTW rubber, back in harness after recuperating from an operation. Ditto WPEN's Joe Dillon.

Carroll's, Walnut street nitery, is switching to a sepiu policy after month's experiment of a production-type show.

Clay Boland and Bickley Reichner held a "preview" party last Sunday (26) for their new Mask and Wig tugs for the social set.

London

Bud Flanagan, Jr., is with the George Black production office.

Henry Sherek abandoned his Criterion Revue after signing Claire Luce, Hermione Baddeley and Walter Crisham.

Elsie Carlisle lined up her new vaudeville unit for the sticks, "Carlisle's Express," with entire action taking place in win sewing.

George Reynolds, for over 20 years with the Stoll organization, and one time manager of Alhambra, has joined the Jack Hylton office.

Norma Dawn, London nudist recently in George Black's "Blind Velvet" at Hippodrome, engaged to Lieutenant-Commander Paterson-Hart.

Clement Butson, head of Blackpool Tower Circus, would like to receive word occasionally from the many American acts who've played for him.

Paul Stein dickered for to co-direct Leslie Howard's "Mister Pimpernel," in which Howard stars as well as directs. Will be distributed by Anglo-American.

Paul Stein turned down directing job of first production of new series which Bill Siström is doing for RKO-Radio, with Leslie Fenton as most likely replacer.

Jerry Freeman, managing director of Anglo-American Film Corp., has formed production unit to produce three Edgar Wallace films, with David MacDonald directing, and AARC releasing.

Evette Standard devoted its entire editorial space (one column) to laudatory comment on "The Mortal Storm" (M-G), declaring it to be the finest and most effective propaganda film since "The Great Dictator."

Jack Doyle and Movita are splitting, both maritally and professionally and Doyle is trying to book himself to Australia, claiming his wife has to return to America to see her parents who are ill.

Victor Oliver performing for the first time with his wife, Sara Churchill. Started tour in sticks, opening Blackpool, in revue which comprises several sketches from Noel Coward revues, besides doing his act. Beatrice Lillie co-stars.

St. Louis

By Sam X. Hurst

The Silver Shield, St. Louis County nitery, shuttered.

The Ice Follies of 1941 booked for a five-night stand at the Arena, starting Nov. 1.

Curt Jones, oldtime blackface comedian, is a projectionist at the Criterion theatre.

Paul Beismann, manager of the American theatre, back after a plane trip to New York.

The Mummies will give four performances of "Mr. Pim Passes By" in the penthouse theatre.

Henry King and orch, featuring Donald Novis, began three-week stand Thursday (24) at the Chase Club.

Helen Olheim, songbird of the New York Met, was first of the featured artists of the Concordia Seminary Lyceum programs.

Robert H. Schulman, publicity director for the United Artists, directed composed "John Doe's Marching Song," published locally.

Marguerite Grace and Mrs. Fred G. Carpenter directing membership drive for St. Louis Civic theatre.

Goaling for 2,000 members.

Helen Traubel, native songbird, paused here to aid local symphony society's membership drive. She will appear later in season as a soloist.

John F. Kiburz, yet flutist with the St. Louis symph orch, has been succeeded by his son. The elder Kiburz is retiring after 41 years of service.

Vladimir Golschmann, recently naturalized, has returned and preparing for his 10th consecutive season as baton-waver for the St. Louis symph orch. Season starts Nov. 1.

Arnold Berger, manager of the Drive-in theatre, DesPeres, Mo., permitted conscriptionees showing registration certificates to see shows cuffed. Theatre closed Sunday (27).

Bill Zeiken making bow as promoter. Will present the "2nd Barn Dance" radio troupe Nov. 16 and Jeanette MacDonald the following night. Zeiken also is publicity director for the Municipal Theatre Assn. and St. Louis symph society.

Minneapolis

By Les Rees

Ethel Shutta into Curley's night club.

Bob Long, M-G home-office auditor, off to Kansas City after brief stay here.

Freddie Fisher's "Schnickelritz" band rounding out five months at Happy Hour nitery.

Moe Levy off for Coast on first lap of nation-wide tour of 20th-Fox theatres.

S. R. Kent drive leader.

Harold Kaplan, owner and manager of the St. Louis Park theatre, 20 pounds lighter as result of dieting.

Orpheum has set George White's "Scandals," Gene Krupa, the Ink

Spots and Major Bowes' 1940 Prize Winners

"Doc" Howe of National Playgoers Guild in from New York for conference with Minnesota stock company heads.

Will Osborne orchestra, with Lydia and Joresco, into Hotel Nicolet's Minnesota Terrace, succeeding Bernie Cummings.

Glen Gray orchestra flew in from Buffalo, closing there Thursday night (24) and opened here at Orpheum the next afternoon.

Ben Blocky, Twin City Variety club Chief Barker and Paramount branch manager, under doctor's care, but sticking on job.

Hotels and night clubs completely sold out and "manned 'em" way last week end as result of Minnesota-Iowa homecoming football game crowds.

Cocoanut Grove, one of city's biggest nighties, closed for more than a year, reopening with local bands, but for only two nights a week, Fridays and Saturdays.

Charlie Stoflet, M-G's North Dakota salesman, on trip to city.

parry's Victory Dinner at Detroit, gold watch and \$100 in cash for best sales record in his division.

Mexico City

By Douglas L. Grahame

Majour to Hollywood after a summer sojourn in Mexico.

Arcady Boylter, pic director and exhibitor, taking flying lessons.

Sai Shoki, Korean dancer, giving recitals at the Palace of Fine Arts (National Theatre).

Eva Liminana (Mrs. Jose Bohr) has opened a hotel at Acapulco, historic Pacific port-resort.

John Gunther, the "Inside" author, to Guatemala after gathering Mexican dope for his "Inside America."

Adriana Lamar, screen actress, studying writing at radio station XEQ here with a view to air performing.

Mexico's veteran matador is Pepe Ortiz. Fifteen years in the blood and sand, and a fat bankroll, to show for it.

Emilio Azcarraga, owner and operator of the select Cine Teatro Alameda and local radio stations XEW and XEQ, back from treatment at the Mayo Clinic in Rochester.

There are some American tourists here, but in numbers that are disappointingly small. Look pretty black for the night spots unless more customers come from the U. S.

Amalia S. Cardenas, Mexico's first lady, was Mexico's guest at a private showing of "Gone with the Wind" at the Cine Iris. President-elect Gen. Avila Camacho was recently similarly guested.

Dolores del Rio scheduled to arrive here during Christmastide to play the lead in a revival of "Santa" ("Saintess"), the original of which was Mexico's first film, produced in 1930 by Antonio Moreno.

Buenos Aires

By Ray Josephs

United Artists completing plans for first South American sales convention.

Yamandu Rodriguez signed for five-year writing pact with Lumiton Films.

Revue based on film "Rebecca" opened at Casino with Carmen Lamas.

Italian operetta company directed by Paride Grandi opened series at Theatre Smart.

New show at Ta-Ba-Ris, No. 1 vaude night club here, includes the Herbert Taylor Dancers, Harry Fleer, baritone, and Virginia and Edward, dance team.

Comision Nacional de Cultura has accepted new play by Edmundo Bianchi Uruguayan author, to be produced next season at the Teatro Nacional de Comedia.

"Gone," closed at the Broadway, continues at the Ideal. "If I Had My Way" and "The Big Guy" at Great.

"Sidewalks of London" and "Rent McGinty" in Normandie.

"Shop Around the Corner" at Ambassador.

"Dr. Cyclops" at the Opera.

Memphis

By Harry Martin

Variety Club flinging Halloween party Saturday night (26).

Folks finally getting round to rhumba and conga in these parts.

City Theatre preems season tonight (Wednesday) with "Warrior's Husband."

Clint Bolton of Paramount in to beat drums for deMille's "Northwest Mounted."

Night football a show biz headache. Even the freshman games are pulling crowds.

Pauley Mitchell, Jackson (Tenn.) singer, joins George Olsen show at Rice in Houston.

Ted Weems' orch in Friday (1) to replace George Hamilton in Skyway at Peabody hotel.

Dick A. planned in and out for quickie visit with frau, Gertrude Lawrence, here two days in "Sky-lark."

Howard Waugh gifting local press with "Dispatch" by "Dispatch Reuter's." Lads confused on getting Waugh blrd.

Hollywood

Robert North recovered from flu. William F. Rodgers confabbing at Metro.

George Raft back from an eastern vacation.

Judy Garland went for a tonsil snipping.

W. C. Fields to Saboba Hot Springs for a rest.

David Sarnoff and Tim Whelan to Del Monte.

Sid Shaw recovering from appendectomy.

Ned Brown operating his own literary agency.

Hal Roach to the hospital for stomach treatment.

Town is flooded with gags about that nitery inquest.

George Gabby Hayes hospitalized for observation.

Douglas Fairbanks, Jr., back after six weeks in the east.

Leon Schlesinger resting at home under doctor's orders.

John Joseph to Carmel for his first vacation in three years.

Natalie M. Kalmus returned from her Massachusetts farm.

Low Seller reading scripts while vacationing at Arrowhead.

Rosalind Russell to Kansas City for a child welfare benefit.

Bill Lyon back to work after recovering from auto injuries.

Edward Everett Horton back for pictures after a year in legit.

Buck Herzog writing a series of film yarns for M-G's new Sentinel.

Bert Wheeler reported at Paramount after an eastern stage tour.

Meyer Schine looking over product for his New York theatre chain.

Jack Fox drew three-month leave of absence from RKO to go out legit.

Rose Joseph opened publicity office with David Allison as associate.

Byronne Power and Annabella back from a tour of the southwestern deserts.

Irving Wallace in town after hunt for story material in Japan and China.

Louis B. Mayer bought two Australian-bred colts for his racing stable.

Merian C. Cooper returned from a month in New York and Washington.

Don Dickerman checked out of the Pirates Den and is heading for Florida.

Arthur Doyle succeeded Dell Goodman as Far Eastern manager for 20th-Fox.

The Joe E. Browns adopted a Pittsburgh infant, named him Joe E. Brown II.

Masquers gambled Lambs in Hollywood, with Willie Collier toasting and roasting.

Billy Mann, the last of the Yacht Club Boys in the world, joined the Lew Irwin agency.

Mickey Rooney and Lewis Stone doing a short for the national Community Chest drive.

Richard J. Brenner arrived from Chile for studio huddles at Metro on South American releases.

Pat West and frau wrote a new song, "Stick to Your Guns," to be sold for the benefit of British war relief.

Martin "Moe" Snyder was freed in Superior Court on charges of shooting Merle Alderman, mate of Ruth Biting.

Bill Boyd is celebrating his sixth year as a cowboy this week and his 52d western picture with Harry Sherman.

Phil Morgan filed \$78,000 damage suit against a tire company for injuries sustained in a motor crash last December.

Blake McVeigh engaged by Monroe Green P. to handle the Charles Chaplin picture, "The Great Dictator," during its run at the Carthy Circle in Los Angeles.

Kansas City

By John Quinn

Resident theatre opened season with "Margin for Error," in for two weeks currently.

Chick Allison parted by radio people before departing to his new assignment at WLW.

Jimmy Nixon, Music Hall chief, reported greatly improved but still conffed after his recent auto crash.

Monroe Rubinger in town from Chi and spending some time at the Warner exchange getting out copy on "Reuters."

Betty Grable made a one-day stop to visit her sister, Mrs. Dave Arnold, before going into Chi for a personal.

John McManus, Midland theatre manager, out of the hospital but still giving an infected knee the benefit of the doubt.

Phil Spitalny brought his "Hour of Charm" orch show to the Music Hall for a Sunday night net broadcast on behalf of charity.

Leo Carrillo signed by the American Legion to lead the parade and m.c. the coronation ball at the opening of the annual stock show Nov. 9.

OBITUARIES

HUBERT WILKE

Hubert Wilke, 85, retired light opera baritone who once appeared with Marie Tempest and Lillian Russell, died after a two months' illness Oct. 22 at his home in Yonkers, N. Y.

Born in Stettin, Germany, Wilke studied voice at the Leipzig Conservatory. He made his debut in the 'Pied Piper of Hamelin,' and later received a medal from Emperor Franz Josef of Austria for his performance in 'Tales of Hoffman.'

He distinguished himself at the famous Ring theatre catastrophe in Vienna where more than 800 persons were burned to death on Dec. 8, 1861. Wilke jumped from the stage and guided some of the audience through exits just before the roof fell.

Wilke came to America in 1882 largely through the efforts of Heinrich Conried, who later became director of the Metropolitan Opera Co. After making his first American appearance at the old Thalia theatre, New York, he later played with Lillian Russell in 'The Grand Duchess' and was seen in 'The Fighting Master' with Marie Tempest. He also had parts in 'The Typhoon,' 'The Climax,' 'Cinderella Man,' 'L'Aiglon' and 'The Oolah' with Francis Wilson.

A member of the Friars and The Lambs, he is survived by a son and two daughters. His wife died last year. Funeral services were held last Thursday (24) in Yonkers and cremation followed.

MICHAEL A. SWITOW

Michael A. Switow, 76, operator with his two sons of a string of motion picture houses in Kentucky and

Syn. 'Four Just Men,' 'Accused,' 'Poison Pen' and 'Action for Slender.'

CAPT. JOHN PETERS

Capt. John Peters, for years an animal trainer with the Barnum & Bailey shows, died Oct. 21 in Santa Rosa, Cal., where he had been residing for a number of years on a farm owned by a friend.

Santa Rosa knew the aged man as 'Old John.' It did not know his background of sawdust and spangles and, in later years, film acting. Peters came to America from Germany 50 years ago and hired out with the Barnum shows as an animal man. Twenty years ago in Chicago he saw his wife, a high trapeze worker, plunge to her death. It was to have been their last night with the show. Peters worked his lions after the accident but retired according to plan.

In Hollywood, he did some work in wild animal pictures and as a star double. He was badly mauled by a wrestling bear some years back. A son survives.

FLORENCE O'CONNOR

Florence O'Connor, eldest of the six singing O'Connor Sisters of vaudeville, died Thursday (24), in Toronto. It was the first break in an act that reached the top a couple of decades ago when the six girls played all the major circuits across the U. S. and Canada. At first, there were only four of the O'Connor girls in the troupe and then two younger ones joined the act.

Surviving are her husband, Conroner Dr. W. J. O'Hara, Toronto; two sons, Peter and John; a daughter, Eileen; a brother, John; her five

set, and even danced before the Pope. He travelled extensively through Europe and the Far East and was sponsored in New York by Lady Astor.

CLARENCE HERITAGE

Clarence Heritage, whose family name was Clarence Gibson, died Sunday (27) in New York of old age. He had been on the stage 60 years.

Heritage began his theatrical career as a member of the Walnut Street theatre, Philadelphia, and played with Mary Anderson and in Bartley Campbell's 'Matrimony' at the Standard theatre, New York, in 1880. For several years he acted with Mme. Modjeska, and with Rhea. More recently he was in 'Seven Days Leave' on tour, and in 'The Garden of Allah.'

LEON HOFFMAN

Leon Hoffman, 40, for the past 18 years press agent for Maurice Schwartz, a Yiddish actor-producer, died in his New York apartment Sunday night (27) of a heart attack.

Prior to joining Schwartz's Yiddish Art Theatre group Hoffman had been a reporter for the Jewish Daily Forward.

ERNWAY L. BEYEA

Ernway L. Beye, 59, died Friday night (25) of a heart attack in New York. He was a junior executive in the theatre accounting department of Paramount at its home office and had been with the company since 1923, when he switched from Southern Enterprises, which was taken over by Par at about that time.

Leaves a son and daughter. Burial in Alfred, N. Y.

BENJAMIN J. SEAMAN

Benjamin J. Seaman, 59, Youngstown, O., musician, and secretary of the local musicians' union for 25 years, died of heart trouble Oct. 22 after a year's illness. He was a charter member of the Youngstown Symphony Orchestra, in which he played the oboe.

Widow, daughter, four sisters and a brother survive.

CHARLES WEBER

Charles Weber, 54, former vaude performer, who appeared in a comedy act known as Weber and Elliot a generation ago, died of a heart attack at his home in Laurelton, L. I., Oct. 23. More recently he had been a teacher of elocution, singing and dancing.

Surviving are his widow, Theresa, and three brothers.

JOSE (PEPE) JUNCO

Jose (Pepe) Junco, 49, one of the best known of Mexico City vaude and revue impresarios, died of typhoid at his home in the Mexican capital, Oct. 24. Widow and two young children survive.

Homage in the form of dead silence was paid him several theatres the night he died.

WILLIE NIMKIN

Willie Nimkin, about 50, died Oct. 24 of a heart attack. He was a veteran stage manager and had been at the Music Box, N. Y., with the 'Man Who Came to Dinner' show since its opening. Previously, he was stage mgr. at the Paramount, N. Y., for four years.

LINCOLN G. DICKEY

Lincoln G. Dickey, 54, who headed the Cleveland Exposition and was associated with Billy Rose in the Aquacade productions, died suddenly Oct. 25 of a heart attack in New York.

Further details in vaudeville section.

EMILYN THOMAS

Emlyn Thomas, British band leader, died in London recently, after a short illness. His was the first of the English jazz bands. He was formerly musical director at the Chiswick Empire.

Survived by widow.

HENRY C. WALL

Henry C. Wall, owner of Richmond and Little theatres, Rockingham, N. C., died suddenly Saturday (26) at his home in that city. He was a manufacturer and educator. Operation of his houses is to continue.

Margaret M. Samuel, mother of Milt Samuel, head of NBC Frisco press department, succumbed Oct. 23. Survivors include another son and two sisters.

C. Allen Taylor, head of the wardrobe department at Warner Bros., died in Los Angeles, Oct. 24.

\$7,800,000 B. O. Hypo

Continued from page 1

which VARIETY has obtained from the Government's Office of Reports, New York, with contracts amounting to \$601,000,000 and California (airplane and shipbuilding industries) with \$408,000,000 lead the sectional allocation. Other states to which armament and industrial orders have been given in excess of \$100,000,000 are Connecticut, Illinois, Maryland, Massachusetts, Michigan, New Jer-

sees, which have spent in Bayonne, N. J., the variety of expenditures by the Government's amazing. There's a sewage disposal plant in Stockton, Cal. (\$35,750); mechanical clocks from Thomaston, Conn. (\$24,345); trawlers from Bradenton, Fla. (\$20,197); intestinal clamps from Chicago (\$6,433); cable for ocean mines from Marion, Ind. (\$138,000); helmets from Davenport, Ia. (\$34,368); serge

Expenditures State By State

Contracts have been let by the Federal government for military and industrial supplies as a part of the national defense program amounting to some \$10,000,000,000, distributed in various sums to every state, territory and island possessions of the country.

The tabulation herewith represents only the contracts let since June, 1940. They total \$7,900,000,000. It is estimated that between \$4,000,000,000 and \$5,000,000,000 additional will be placed during the winter and spring months.

The allocation by states follows:

Alabama	\$9,000,000	New Mexico	134,000
Arizona	285,000	New York	801,000,000
Arkansas	700,000	North Carolina	21,000,000
California	408,000,000	North Dakota	20,000
Colorado	6,200,000	Ohio	171,000,000
Connecticut	175,000,000	Oklahoma	2,300,000
Delaware	31,300,000	Oregon	1,400,000
Florida	23,000,000	Pennsylvania	812,000,000
Georgia	21,000,000	Rhode Island	6,000,000
Idaho	19,000	South Carolina	47,300,000
Illinois	185,000,000	South Dakota	60,000
Indiana	78,000,000	Tennessee	11,000,000
Iowa	335,000	Texas	60,000,000
Kansas	58,000,000	Utah	7,500,000
Kentucky	4,000,000	Vermont	200,000
Louisiana	7,000,000	Virginia	320,000,000
Maine	62,000,000	Washington	161,000,000
Maryland	140,000,000	West Virginia	1,100,000
Massachusetts	235,000,000	Wisconsin	18,000,000
Michigan	253,000,000	Wyoming	87,000,000
Minnesota	400,000	Y. C. Zone	20,000,000
Mississippi	70,000,000	Hawaii	60,000,000
Montana	1,800,000	Puerto Rico	20,000,000
Nebraska	8,900,000	Virgin I.	8,100,000
Nevada	53,000	Cuba	631,000
New Hampshire	50,000,000		
New Jersey	213,000,000	Total	\$7,900,000,000

sey, Ohio, Pennsylvania, Virginia and Washington.

Angle of the defense appropriations of chief interest to showmen is the billions that will be distributed in wages among workers in hundreds of non-military industries.

John Lewis' Opinion

Vast slack which is to be taken up in unemployment is shown in the estimate of CIO labor chief John L. Lewis in his radio speech last Friday (25) evening. Looking at the subject through the darkest possible glasses, Lewis admitted that unemployment will shortly be down to 5,000,000 persons. This compares with 1930 when the American Federation of Labor gave as an official figure 4,770,000 unemployed. The number mounted to 13,723,000 in 1933 and was more than 8,000,000,000 in 1937, the best year since the depression and an excellent one for show business.

Bureau of Agricultural Economics in Washington predicted last week that business and industrial activity in 1941 should expand to take in at least 2,000,000 more persons. 'Coupled with conscription,' the bureau said, 'that should reduce the nation's unemployed—who are placed at between 8,000,000 and 9,000,000—by about 2,500,000.'

What the boom means to one community alone is exemplified in Brooklyn, where the Navy Yard now has a daily payroll of \$110,000. There are 15,500 workers at the Yard, plus 1,500 on WPA payrolls. Constructing one battleship alone, the 35,000-ton North Carolina, there are 4,250 men employed.

Some idea of what the defense program means to private industry can be gleaned from contracts awarded in one day (Friday, Oct. 25) by the Army Quartermaster Depot in Philadelphia. The included 8,079,000 pairs of tan cotton socks, 4,600,000 yards of twill uniform material and 1,800,000 yards of duck uniform material. In addition, bids were taken the same day for 300,000 feather pillows, 600,000 wool service coats, 940,000 khaki neckties, 580,000 wind-resistant cotton jackets, 420,000 water-resistant jackets, 500,000 pairs of woolen gloves and 1,500,000 barrack bags.

Same day the Boston Quartermaster Depot bought 2,347,000 pairs of shoes. This was not an exceptional day at either Depot, which gives a small idea of the size of the job Uncle Sam has laid out for himself and the tremendous way in which it's going to put into the pockets of his soldiers and seamen coins which are sure to jingle on many a boxoffice sill.

Aside from such contracts as \$3,335,000 covering construction of the Army camp at Fort McClellan, Alabama, and the \$6,000,000 for torpedo

caps from Louisville (\$1,795); floor wax from Baltimore (\$552); freight elevator in Boston, \$18,000; gasoline storage building in the Virgin Islands (\$537,000); dredging channels in Hawaii (\$1,250,000), etc., etc.

Profiting most from defense contracts let during September was the Middle Atlantic region, comprising New York, New Jersey and Pennsylvania, which holds 33% of all contracts. New England is second with 18%. States along the southern part of the Atlantic seaboard are third and the Coast is fourth.

MARRIAGES

Mary Meyer to Denis Green, in Burbank, Cal., Oct. 19. Both are legit players.

Baroness Lucie Von Lederman-Wartberg to James K. McGuinness, film writer, Oct. 27, at Las Vegas. It's the second for him.

Vincent Palmeri, scripter and announcer at WLLA, and Boca Arena, non-pro, Oct. 26 in New Haven.

Mary Ellen Coady to George William Fure, in San Francisco, Oct. 19. He's KPO-KGO (Frisco) traffic manager.

Glady Clark to Hal McIntyre, in San Francisco, Oct. 7. He's KYA (Frisco) announcer.

Bertha Rowland Denham to Ken Maynard, in Yuma, Ariz., Oct. 22. Both are trouping with Cole Bros. circus.

Helen Mack to Tom McAvity, Oct. 23 in Santa Barbara, Cal. Bride is film player; he's radio exec with Lord & Thomas.

Verone Walther to Harry Levinson, in Detroit, Oct. 21. He is Detroit RKO office manager and she is candy girl at the Michigan theatre.

Margaret Alice Page to James F. Sharkey, in Detroit, announced Oct. 21. He is RKO branch manager.

BIRTHS

Mr. and Mrs. Alex Evelove, daughter, in Hollywood, Oct. 25. Father is a film publicity man.

Mr. and Mrs. Hugh Turner, son, in Oakland, Cal. Father is on KLS (Oakland) production staff.

Mr. and Mrs. Russell Pratt, daughter, in Oakland, Cal., Oct. 18. Father is technician at KYA, Frisco.

Mr. and Mrs. Frank Shugrue, son, in Hollywood, Oct. 23. Father is in Metro's camera department.

Mr. and Mrs. Al Kingston, daughter, Oct. 25 in Hollywood. Father is a film agent.

Mr. and Mrs. Carl Swanson, daughter, in New York, Oct. 29. Father is account exec on Lux products with the J. Walter Thompson agency.

William Morris

Indiana, died last week in Louisville. Opening his first picture house in Jeffersonville, Ind., he expanded to New Albany, Salem and New Bedford, Ind., and opened houses in Frankfort, Lexington and Louisville, Ky. In all he launched 35 houses, many of which he sold after they became successful. Switow had been in failing health since he suffered a stroke six years ago, and was stricken with cerebral hemorrhage, which caused his death.

A native of Warsaw, Switow became a salt mine worker in Hungary at the age of 18 and later made his way to Germany, where he labored in the construction of the Kiel Canal. At 27 he migrated to the United States, where he engaged in various business endeavors, including the bakery business, and became interested in the late Carl Laemmle's picture house in Chicago. Purchasing a projection machine and chairs from Laemmle, Switow set up his first motion picture show, from which he later expanded until he controlled his Kentucky-Indiana string of houses.

Surviving are his widow, three sons, Samuel J., Harry R. and Fred T. Switow, all associated with him in M. Switow & Sons; two daughters and 13 grandchildren.

ATHOLE STEWART

Athole Stewart, 61, actor and director who appeared on stage and screen since 1901, died Oct. 22 in Buckinghamshire, England. Since the outbreak of the war he had been attached to the British Foreign Office.

Stewart made his debut in England in 1901 in 'The Second in Command,' and thereafter his engagements were so numerous as to fill three columns in the British 'Who's Who in the Theatre.' Stewart came to New York on two occasions. In 1926 he directed the Broadway production of Frederick Lonsdale's 'On Approval' and four years later staged the same playwright's 'Canaries Sometimes Sing' at the Fulton theatre. In the latter play he also appeared as one of the four characters.

Other plays which he either directed or in which he had roles were 'The Eternal Spring,' 'Jane Eyre,' 'A Man's House,' 'No More Ladies,' 'By Right of Conquest' and 'Worse Things Happen at Sea.' Stewart, who entered pictures in 1930, was seen in such films as 'Edgar Wallace's The Speckled Band,' 'Dr.

sisters, Mrs. Ada Woods, Montreal; Mrs. Michael Orben, New York; Mary, Kathleen and Vera, Toronto.

SOLOMON JACOBSON

Solomon Jacobson, 80, retired Buffalo theatreman, died in Buffalo of a heart ailment after a short illness. He was president of the old Olympic theatre, Buffalo, and later president of the Lafayette Theatre Co. in that city. He was also president of the Rochester Theatre Co., which owns the property now under lease by Loew's, Rochester, N. Y.

Jacobson was the last of a group of Buffalo businessmen who became successful theatre operators in the 1920s, and who, after building fortunes as first-run exhibitors, lost practically all of their theatre holdings during the depression.

BEVERLY T. WHITE

Beverly T. White, 76, died suddenly of heart attack in Chicago on Oct. 24. White was one of the real old-time circus press agents, and dated back to the early days of the century in the outdoor show business. He was associated with practically every one of the big circuses and carnivals.

Before going into show biz White had been a Chicago newspaperman and was a reporter on the Chicago Record and Chicago Tribune.

Funeral arrangements handled by the Showmen's League of America and burial in Showman's Rest, Chicago.

ELMER A. SHARD

Elmer A. Shard, 53, partner-manager of the Motion Vista and Emery, nabes flimeries in Cincinnati, and long active in indie exhibitors' associations of that city, died Oct. 24 in the Good Samaritan hospital there from pneumonia after an operation. He helped form and operate one of Cincy's pioneer poster exchanges before getting into the theatre end of pic business. For the past several years he was a director of Variety club, Tent No. 3. Survived by his widow, Lilly; a son, Elmer, Jr., and a sister.

CASIMIRO AIN

Casimiro Ain, who taught the Argentine tango to Lady Astor and Rudolph Valentino, died recently in a Buenos Aires hospital following a leg amputation.

Ain, born a milkman's son, got his break in Paris when he won an international dancing competition 40 years ago. He opened a night club there, was adopted by the foreign

WHAT THEY THINK

British Ambulance Fund
London, Oct. 14.

Editor, VARIETY:
Thank you so much for VARIETY for Aug. 14 which has just arrived. The response to our appeal to the theatre personnel of the States is coming in now by every mail from all parts. We have already received sufficient to buy whole trailer ambulances from Gilbert Miller, Fred Astaire, Sam Eckman, Jr. and Laurence Irving Asher, Lou and Bernie Hyman, William Morris and from subscriptions raised through his agency. We have received donations from 10c. upwards and I wish I could somehow convey how grateful we are to all the kind people who are sending in their dollars from all corners of the States.

It would be more than generous if you could publish this letter as it would give me an opportunity to say "thank you" to all the members of the theatre who have already sent their donations and to those who are going to do so, as the number now coming in make it impossible to write a personal letter to each although each one is acknowledged.

So much is happening over here every day and all night that I feel that never before have the dollars been so well spent and I would like to assure all donors that every cent's worth is being obtained from every cent.

Barbara Blake.
(Mrs. Francis S. Blake, 2d, Honorary Sec'y, American Artists Ambulance Ass'n, 16 Old Bond St., London.)

Ruby Church's Appeal
Frederick, Md.

Editor, VARIETY:
I am an old time vaudeville performer and in a bad way. Need some help. Am in the hospital for the third time this year. My partner died several years ago and I have lived here in retirement ever since. I have been sick one year the 10th of next month. Stomach trouble and intestinal ailment and it has taken all I had to go on. I still need to stay here for further treatment, but it takes money to, and I if I go home I will need aid. My doctor is fine, ever since I cannot pay him anymore and he is a good doctor.

We were known in vaudeville as Jack Springer & Ruby Church.

If you would put a little appeal in your paper for me I am sure someone would see it that has known us and respond. I have not any relations living at all, and depend on strangers to care for me and they are very kind. I cannot get any clippings or programs for you as I do not want others to go to my trunk and I cannot write to anyone. Am too weak, but hope you will do this for me.

Ruby Church Pollarine.
Frederick City Hospital.

Oscar Straus Delayed
New York.

Editor, VARIETY:
Perhaps you will be interested about the newest work of the famous Viennese composer, Oscar Straus, which libretto I have written. It is a comic opera entitled 'Bozema' and was accepted for the first production in the Staatsopera in Vienna a few days before Hitler entered in Austria. Then Straus and I went to Paris and the opera was accepted by the Grand Opera in Bordeaux and Opera Comique in Paris... and again came Mr. Hitler. Now Straus will start his work in U. S. A. The plot is a Czechoslovakian one.

It is remarkable that the well known composer en route for New York is kept back by the Spanish authorities on the Spanish-French border in spite of the fact that Straus some months ago directed a great concert in Madrid with great success. It is still uncertain, which way the composer of 'Chocolate Soldier' and 'Last Waltz' will be able to continue his travels to the U. S. A.

Alfred Gruenwald

Dartmouth's Film Course
Hanover, N. H.

Editor, VARIETY:
I have just came across in the Oct. 2 issue of VARIETY a news item stating that the screen writing course recently established at New York University is the only regular course of its kind, other than that given at the University of Southern California, for which credit is given by an American college or university. This statement apparently was

made without knowledge of the course, 'Writing for the Motion Pictures,' which has been presented for regular credit by the English department of Dartmouth College since the academic year 1938-39. It is only because we take such pride in Dartmouth's pioneer work in this field that I call your attention to the oversight in your story. The script-writing course at Dartmouth is being sponsored by a number of motion-picture leaders in Hollywood, particularly Mr. Walter Wanger, an alumnus of Dartmouth. It is taught by Professor Benfield Pressey, who spent half a year in Hollywood preparing material for the course. In connection with its motion picture course Dartmouth possesses the Irving Thalberg Memorial Library of Motion Picture Scripts, one of the best and largest collections of its kind in the country. Great assistance in the assembling of this collection was given by Miss Norma Shearer, for whose husband's memory the library is named.

Charles Widmayer.

(Robert Gessner, instructor in NYU's film course and authority for VARIETY's statement, maintains that he was correct. He declares he was informed by Prof. Pressey that the Dartmouth course includes short story and one-act play writing, while NYU's is a full year of nothing but training for screen screenwriting. It is labeled 'Writing the Screen Treatment'—Ed.)

K. K. K. Payoff
Baltimore.

Editor, VARIETY:
Your news story titled 'Helen Morgan Not Paid Off by Ku Klux Klan' was accurate with the exception of the paragraph which states: 'Rest of the talent were all "small" acts booked by Cole, in Baltimore. Some of the teams and trios were supposed to get as little as \$15 and \$25 plus paying their own expenses, but from what Miss Morgan could hear backstage, it didn't appear as though anybody was being paid.' I should like to correct this, as it is entirely false. While it is true, the promoter, an Al S. Cole, disappeared at intermission, I paid each act their entire agreed-upon salary, and the average single salary exceeded \$15 per head, and I paid all expenses.

National Theatrical Agency.
(By Leonard E. Trout.)

'Hold Onto Your Billing'
New York.

Editor, VARIETY:
In your current issue, an article titled 'British Writers Flock to B'way,' you mentioned the fact that 'Guy Bolton wrote the original story for 'Hold Onto Your Hats,' with Eddie Davis and Matt Brooks revising the book.' Well, just to keep the records straight, the original idea and story were mine, with Bolton and Brooks doing the revising, in association with me.

In all fairness to both Bolton, who never takes credit not due him, and myself, I thought I'd write you this and let you know. He's a grand guy and a great writer, and it was a pleasure, an honor and a course in playwriting working with him.

P. S.—Mention 'Hold Onto Your Hats,' popular-priced matinees, as usual.

Harlem's Quiz on Show Biz
New York.

Editor, VARIETY:
An organized movement is now on foot in Harlem to determine what's actually wrong with the Negro performer in show business, and then to find an immediate remedy so as to return him to the status he once enjoyed in former years.

We are printing a series on the subject.

Dan Burley
Theatrical Editor,
N. Y. Amsterdam News

'After Nonsense Is Over'
London.

Editor, VARIETY:
I was most grateful to you for the publicity you gave to me on my departure from Canada to take up a position at the B.B.C. Needless to say we have had a very interesting time since my arrival here. Producing programs in such an atmosphere is something entirely new to me, but in spite of all difficulties we manage to get along quite well.

I hope you have the opportunity of listening to some of our shows, and a word or two occasionally about them would be extremely helpful. I see your publication quite regu-

larly even though it is two or three weeks delayed. It is extremely valuable in keeping me in touch with what is happening in the radio world, both in the U. S. A. and Canada, a connection which I do not want to lose as I have hopes of returning after all this nonsense is finished.

E. L. Bushnell,
North American Program Organizer,
British Broadcasting Corp.

For Theatre Culture

Editor, VARIETY:
The venture described by Valerie Leigh Hunt should be a tremendous push for goodwill in the theatre. With a plan like 'A Cultural Arts Symposium' students furnish a vulnerable group to approach. They taint theatre managers, pleading for reduced rates on tickets, annoy actors for interviews and autographs, and attend opening nights as 'stare-attenders' (to snatch a better phrase from Cornelia Otis Skinner). The mass confusion will simmer down at the birth of a lecture program; students will begin to respect theatre artists as individuals whose business is concerned with the theatre, not as the fresh vibrant ingenue the dashing Romeo whose glamour onstage magically transposes them into idols away from the footlights.

Surely the results should produce a new and interesting audience in the theatre.

Alison Rogers.

(Several other letters from students and teachers also expressed approval of a 'Cultural Arts Symposium' plan.—Ed.)

DODGEM CORP. GETS GARDEN PIER, A. C.

Atlantic City, Oct. 29.

After turning down several offers, city officials Monday agreed to lease the Garden Pier to the Dodgem Corp., which closed this week at the N. Y. World's Fair. Finance director Daniel Bader announced the terms agreed upon will give the city a three-year rental of \$8,500, plus a percentage of gross receipts over a certain figure, yet undecided.

The city rejected an offer of \$10,000 a year from a corporation headed by Fred Fradkin, whose down payment called for only \$1,000. Another offer came from Emerson L. Richards, former senator of Atlantic City, who said he represented a client interested in purchasing the pier property, who at present was in California.

The pier, which suddenly aroused interested prospective leasing agents, includes a theatre, ballroom, boxing stadium and concession spaces. For a number of years, there was talk of the city taking over the pier for unpaid taxes, but it was not until a few weeks ago, that this was done.

Adams-Watts' Rodeo Scrams Pitt, But Fast

Pittsburgh, Oct. 29.

Wild West rodeo, jointly sponsored by Fraternal Order of Police and Islam Grotto for its pension funds and charities, quit town in a hurry last week in the early dawn and a considerable portion of the local townspeople who were creditors and holders of unused tickets were up in arms. Rodeo, owned by George V. Adams, "Texas" cattleman, and promoted by C. E. Watts, of Cleveland, also left behind a trail of attachment writs, six cowboys and unpaid beauty contest winners.

Sheriff's office reported writs had been filed against Adams and Watts for \$602. Others, it was understood, are being handled by constables. Islam Grotto and FOP representatives hurriedly assured creditors they would be paid off in full.

Bad weather here was blamed for the collapse of the charity venture. Postponed for two days because of cold and snow, it was scheduled to have had two more performances last week. While spectators were scurrying about issuing communiques to the public, none of the actual rodeo men could be found. Adams had folded up his horses and departed for parts unknown and Watts was nowhere to be found either. Only one around was Tex Sherman, p.a. for the rodeo, and he knew nothing about nothing, he said. Sherman was going to overstate matters. Adams' rodeo had sold \$60,000 worth of tickets as against \$20,000 expenses.

Football

By Dick Fishell

(WHN, N. Y., Sports Commentator)

Boston College—Manhattan
Herb Kopf and his Jaspers are no matches for the powerhouse Eagles of Boston College.

Bucknell—Temple
Here's a traditional affair, with Temple's passing game figured to outscore the Bucknell Bisons.

California—Oregon State
California is inconsistent but Oregon State is sound and has proven its right as the favorite. State to win.

Cornell—Columbia
This will not be as close as last year's affair, as the boys from Lake Cayuga romp to an easy win.

Duke—Georgia Tech
Tech's attack is still baffling, but it's weak defensively, while Duke is potent enough to win.

Duquesne—Marquette
Duquesne is topsyheavy favorite because Marquette has been found-

cannot compare with that of Georgetown. Georgetown should keep its record clean.

Tennessee—Louisiana State
Louisiana cannot stop the Tennessee avalanche.

Texas—Southern Methodist
Texas is cooled off while the Mustangs have yet to reach their peak. S. M. U. should get by this one in good shape and remain in the battle for the southwest crown.

Texas A. & M.—Arkansas
Arkansas is stubborn, but the Texas Aggies are too talented in all departments to take the grief here.

Texas Christian—Baylor
Here's a dogfight, with T. C. U. a slight favorite. But we like Baylor to emerge victorious.

Tulane—Clemson
Tulane's offense nil. Its preseason high hopes have fizzled. Clemson's unbeaten and has as good a

Probable Football Winners (And Proper Odds)

GAMES	WINNERS	ODDS
Boston College—Manhattan	Boston College	5-1
Bucknell—Temple	Temple	3-1
California—Oregon State	Oregon State	8-5
Cornell—Columbia	Cornell	5-1
Duke—Georgia Tech	Duke	2-1
Duquesne—Marquette	Marquette	1-2
Fordham—North Carolina	Fordham	11-5
Georgia—Auburn	Auburn	8-5
Harvard—Princeton	Princeton	11-5
Holy Cross—Colgate	Colgate	6-5
Iowa—Purdue	Iowa	8-5
Kentucky—Alabama	Alabama	8-5
Missouri—N. Y. U.	Missouri	4-1
Northwestern—Minnesota	Minnesota	7-5
Ohio State—Indiana	Ohio State	12-5
Oklahoma—Nebraska	Nebraska	9-5
Penn—Navy	Penn	12-5
Syracuse—Georgetown	Georgetown	11-5
Tennessee—La. State	Tennessee	5-1
Texas—So. Methodist	S. M. U.	7-5
Texas A. & M.—Arkansas	Texas A. & M.	5-1
T. C. U.—Baylor	Baylor	5-7
Tulane—Clemson	Clemson	Even
Army—Notre Dame	Notre Dame	5-1
U. C. L. A.—Stanford	Stanford	12-5
Vanderbilt—Mississippi	Mississippi	11-5
Wisconsin—Illinois	Wisconsin	8-5
Yale—Brown	Brown	Even

Boxscore to Date:
Right, 82; Wrong, 29; Ties, 7; Pct. .739.
(Ties not counted)

ering. The major upset looked for here as Marquette finally realizes on its potentialities.

Fordham—North Carolina
Overconfidence broke the Rams last week, but they'll bounce back to overcome the Carolina passing and win impressively.

Georgia—Auburn
Georgia is sopheromish while Auburn is one of the south's strongest outfits. Only an accident can prevent an Auburn victory.

Harvard—Princeton
Harvard may show up for the game but if it does, it will only be to watch Allerdice throw passes all around it. Princeton will have a picnic.

Holy Cross—Colgate
The Crusaders still have no punch and Colgate should prove this conclusively by outscoring them.

Iowa—Purdue
Purdue is only fair. Iowa should bounce back from its Minnesota beating by getting a close decision over the Boilermakers.

Kentucky—Alabama
Kentucky has a good record, but it hasn't played anybody really formidable. "Bama on the long end."

Missouri—N. Y. U.
Missouri is not the team of a year ago, but neither is N. Y. U. This game is at Missouri, so New York's chances are very remote.

Northwestern—Minnesota
The supremacy of the Big Ten is settled here as the Gophers of Minnesota keep their unbeaten record.

Ohio State—Indiana
Indiana is just a passing team and State's all-around power should give it the shade.

Oklahoma—Nebraska
A Big Six Conference game that might decide the title. Nebraska is well-manned at all posts and should win.

Penn—Navy
The Sailors have a big, good squad. But Penn is also too deep and has more finesse. Class will tell here as Penn gets a close one.

Syracuse—Georgetown
Syracuse is mediocre and its line

team as any in the south. The latter to win.

Army—Notre Dame
Here's plenty of headaches for the Soldiers as Notre Dame shows New Yorkers how it's done. The Irish have yet to hit the zenith of their power, but they won't need it this week.

U. C. L. A.—Stanford
Stanford's the powerhouse of the Coast and is on its way to the Rose Bowl. The Indians will scalp U. C. L. A.

Vanderbilt—Mississippi
Here's a tossup, with Ole Miss having a slight advantage.

Wisconsin—Illinois
The Zuppke team is always dangerous but according to form Wisconsin has more scoring power and that should give it the shade.

Yale—Brown
Yale's back in its own class, but even this competition is too tough for it. Brown should trip the Bulldogs.

Fake 'Accident' Proves Too Real for Aerialist

Toronto, Oct. 29.

A fake accident that went wrong almost cost the life of Bernice Stankevich, star aerial soloist with Bob Morton's Circus, now lying in Wellesley hospital here with concussion and spinal injuries. Routine, which she had been doing for three months calls for a leap from a 64-foot platform, the missing of a swing-bar 15 feet below, and then the plunge which ends 20 feet from the floor when halted by thin wires attached to her ankles. Coupling of the wires slipped and girl crashed to the concrete of Maple Leaf Gardens.

Several performers rushed to break her fall but were unsuccessful. Many women in the crowd of 13,000 fainted.

N. Girl, whose home is in Trenton, N. J. will recover. After the girl was carried away, trapeze performers in each of the three rings carried on the show.

"HAPPY DAYS ARE HERE AGAIN" ???

Fellow Members of Local 802, A. F. of M.

JAMES C. PETRILLO

Pres. of American Federation of Musicians
(From American Mercury as reprinted in Readers Digest of November, 1940)

SAYS:

"PETRILLO is a man of strong enthusiasms. In 1936 he was pro-Roosevelt. 'I contributed \$8,000 to his campaign,' he says, meaning that the local did. 'I THREW ANYBODY OUT OF THE UNION WHO SAID ANYTHING AGAINST ROOSEVELT.'"

VS.

WILLIAM GREEN

Pres. American Federation of Labor
(New York Herald Tribune, Oct. 27, 1940)

SAYS:

"True to its non-partisan political policy, the American Federation of Labor refrains from bringing pressure to bear upon its members to support a candidate for President of the United States or a political party."

MR. ROOSEVELT

(In His Radio Speech Oct. 23, 1940)

SAYS:

"For the American people as a whole—the great body of its citizens—the standard of living has increased well above that of 1929."

VS.

(OFFICIAL JOURNAL, LOCAL 802, JULY 1940) (in discussing WPA Jobs)

SAYS:

that "Although the quota of playing musicians is 495, the actual number employed is usually between 430 and 440," who, the same Journal states, "certainly would be much happier if PRIVATE INDUSTRY could absorb them, for which they would receive union pay instead of an average of \$22.00 weekly for 30 hours work."

The April, 1940, Journal says: "... not a single musician (WPA) has been absorbed by PRIVATE INDUSTRY AND THEIR PLIGHT IS AS SERIOUS TODAY AS IT WAS AT THE START OF THE DEPRESSION."

MR. ROOSEVELT

(From radio speech Oct. 23, 1940)

SAYS:

".....Through many government agenciesN. Y. A. and others....many millions of youths have benefitted....by jobs."

VS.

(Official Journal of Local 802, August, 1940)

SAYS:

"The Music Division in the N. Y. A. (National Youth Administration) at present employs 280 (Local 802) musicians who receive \$22.00 a month...."

(WELL! WELL!)

"YOU PAYS YOUR TAXES — AND YOU TAKES YOUR CHOICE"

TRY THIS ON YOUR FIDDLE!

802 is the largest local in the American Federation of Musicians. From its Official Journals published since January 1, 1940, we learn the following facts:

In 1935, the local paid \$151,368.72 for relief of its members; in 1936, \$499,520.91; in 1937, \$558,081.26; in 1938, \$548,081.43; and in 1939, \$637,997.48.

AND BROTHERS—THAT AIN'T HAY!

These figures undeniably show that the plight of thousands of musicians is terrible and becoming steadily worse.

Let's look at some more figures taken from the same source—

A total membership as of June 30, 1940, is quoted as being 21,169. The same source states that 5,000 members are steadily employed in their jurisdiction; that 440 are on WPA relief; that 280 are on N. Y. A. relief; and that an average of 1,990 are subsisting on union relief. Let us add to this total 1,733, who, by actual count, live more than 50 miles beyond this jurisdiction. Let us add an additional 7½% or 1,588 as an estimate of members not active by reason of health or age. This gives us a grand total of 11,031. That leaves us a balance of 10,138 or approximately one-half the total membership of the local. For the sake of convenience, we will take off another 138 and use the figure 10,000.

Back to the Local 802 Journal again—

We find that the total amount of money paid to members during the first six months of 1940 through the Collection Department was \$1,035,796.44. (It may be here noted that every single engagement job must clear through this union Collection Department.) If the total of \$1,035,796.44 is paid out over a period of six months, that must amount to \$39,838.32 per week.

Now, you figure out what that amounts to per member for the 10,000 who are dependent upon outside engagements for a livelihood. Divide \$39,838.32 by 10,000. You will find that the average expectancy for those musicians not on a steady job is

LESS THAN \$4 PER MAN PER WEEK

This is a worse condition than that which prevails amongst the 1,990 mentioned above of our members who are on union relief. They at least receive about \$5 weekly. Does that sound like "HAPPY DAYS ARE HERE AGAIN?"

If Mr. Roosevelt's "standard of living for the American people as a whole" is not better than that prevailing among the musicians of Local 802, as a whole, I'll take vanilla.

Only better general business conditions throughout the country can create more work for the musician. I sincerely believe that Mr. Roosevelt has hamstringed business and industry. This is the true key to your present misery. Them's my sentiments brother and it is only one of the many reasons why I shall not vote for the Third Term candidate. I and thousands of other musicians want WENDELL WILLKIE.

Fraternally yours,
ARNOLD JOHNSON,
Member of Local 802.

(This Advertisement is paid for by the Non-Partisan Theatrical League)

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